



DOC23/395328-4

9 June 2022

Sherilyn Hanrahan
Strategic Land Use Planner
Lithgow City Council

Via environmentprotection.planning@epa.nsw.gov.au

Dear Sherilyn

**Scoping Proposal, Wallerawang Power Station Rezoning - Greenspot
Comment on Rezoning Proposal**

I am writing to you in reply to your invitation to the NSW Environment Protection Authority (EPA) to provide comment on the *Scoping Proposal for Wallerawang Power Station Rezoning at Wallerawang*, dated 19 April 2023, prepared by Arup and Urbis (**Proposal**).

The EPA understands that the proposal seeks to amend the *Lithgow Local Environmental Plan (LEP) 2021* to allow a mix of development types on and around the site of the decommissioned Wallerawang Power Station.

Section 5.9.2 of the Proposal correctly identifies that the site is not currently listed on the Contaminated Land Record. However, the statement that “The EPA concluded that the site did not warrant regulation” is incorrect. Given the responsibilities of the EPA under the *Contaminated Land Management Act* (1997) (CLM Act) the site may still be regulated by the EPA depending on the proposed use and existing contaminants on each site.

The EPA understands that [State Environmental Planning Policy \(Resilience and Hazards\) 2021](#) requires assessment of potential land contamination resulting from past land-use to determine whether the land is suitable for its proposed use or will require remediation. Under section 60 of the CLM Act, the EPA must be notified of any contamination that meets certain triggers. These are outlined in the [Guidelines on the duty to report contamination under the Contaminated Land Management Act 1997](#).

This study should not be limited to the Wallerawang Power Station footprint as geological and groundwater activity can spread contaminants some distance. We would welcome the opportunity to be involved in a Project Control Group or similar meeting to ensure the contaminants on site are adequately assessed and addressed.

Should you require clarification of any of the above please contact Justin Hillis on 9995 6695 or email Justin.Hillis@epa.nsw.gov.au.

Yours sincerely

A handwritten signature in black ink that reads 'J Hillis'.

Justin Hillis
Acting Unit Head – Strategic Planning

Phone 131 555
Phone +61 2 9995 5555
(from outside NSW)

TTY 133 677
ABN 43 692 285 758

Locked Bag 5022
Parramatta
NSW 2124 Australia

6&8 Parramatta Square
10 Darcy St, Parramatta
NSW 2150 Australia

info@epa.nsw.gov.au
www.epa.nsw.gov.au



Our ref: DOC23/397053-3

Ms Sherilyn Hanrahan
Strategic Land Use Planner
Economic Development & Environment
Lithgow City Council

Attention: Alison Davis, Alison.Davis@lithgow.nsw.gov.au

Scoping Proposal - Wallerawang Power Station Rezoning – Greenspot

Dear Ms Hanrahan

Thank you for the opportunity to comment on the planning proposal for Scoping Proposal - Wallerawang Power Station Rezoning - Greenspot under the *Lithgow Local Environmental Plan 2014*.

We have reviewed the planning proposal and make the following comments:

Aboriginal cultural heritage considerations under the *National Parks and Wildlife Act 1974*

Local Planning Direction 3.2, Heritage Conservation, requires planning proposals to address the conservation of Aboriginal objects. It is recommended that a comprehensive Aboriginal cultural heritage assessment report is needed and should inform this planning proposal.

The results of this assessment need to inform the proposal. Early assessment provides the best opportunity to identify and protect Aboriginal cultural heritage values. It also provides certainty to all parties about any future Aboriginal cultural heritage management requirements. It is also important that any management, mitigation and conservation mechanisms are developed at the planning proposal stage to help mitigate the cumulative impact of development in this region on Aboriginal cultural heritage.

The planning proposal should also consider impacts to the Aboriginal cultural landscape, including potential impacts on visual corridors. These potential impacts can only be understood through consultation with the Aboriginal community. Measures to limit any impacts to identified Aboriginal cultural landscape values should be developed and integrated into the planning proposal.

If the planning proposal is approved and future development proceeds, the proponent will need to consider the Aboriginal cultural heritage impacts within their environmental assessments. Where harm to Aboriginal objects cannot be avoided the proponent is required to obtain an Aboriginal Heritage Impact Permit (AHIP) before proceeding.

Further information about preparing an Aboriginal cultural heritage assessment and AHIP application is available on our website:

<https://www.environment.nsw.gov.au/topics/heritage/apply-for-heritage-approvals-and-permits/aboriginal-objects-and-places>.

State and local heritage considerations under the *Heritage Act*

Based on the information provided, we have reviewed the planning proposal against our records and do not believe that there are any identified impacts on items listed on the State Heritage Register. In relation to historic archaeology, if the proponent has not already undertaken their own investigation to assess the likelihood of 'relics' and any subsequent management required under the *Heritage Act 1977*, they should do so.

General Comments

Before finalising the planning proposal, Council should be satisfied that all necessary heritage assessments have been undertaken and that any impacts have been sufficiently addressed. Council's assessment should include, but not be limited to, a search of the State Heritage Inventory (<https://www.heritage.nsw.gov.au/search-for-heritage/search-for-nsw-heritage/>) and the Aboriginal Heritage Information Management System (<https://www.heritage.nsw.gov.au/protecting-our-heritage/record-aboriginal-sites/>).

If you have any questions about the advice above, please contact:

- Sophie Butler in relation to environmental heritage matters by phone on 02 9228 6141 or by email at sophie.butler@environment.nsw.gov.au.
- Corey O'Driscoll in relation to Aboriginal cultural heritage matters by phone on 02 6229 7079 and corey.odriscoll@environment.nsw.gov.au

Yours sincerely

Rochelle Johnston

Rochelle Johnston

Senior Manager – Major Projects

Heritage NSW

Department of Planning and Environment

As Delegate of the Heritage Council of NSW

As delegate under the *National Parks and Wildlife Act 1974*

8 June 2023



NSW RURAL FIRE SERVICE

Lithgow city Council
PO Box 19
LITHGOW NSW 2790

Your reference: N/A
Our reference: SPI20230512000061

ATTENTION: Alison Davis

Date: Friday 9 June 2023

Dear Sir/Madam,

Strategic Planning Instrument

Other - Other

Lithgow City Council is seeking comment and feedback in relation to a Scoping Proposal in relation to rezoning and repurposing of the former Wallerawang Power Station site and surrounds. The Scoping Proposal has been prepared in accordance with the NSW Department of Planning and Environment Local Environmental Plan Making Guidelines (Sept 2022) and is the first step in the development of a full Planning Proposal. It is anticipated the Planning Proposal will be categorised as a complex one.

I refer to your correspondence dated 12/05/2023 inviting the NSW Rural Fire Service (NSW RFS) to comment on the above Strategic Planning document.

The NSW RFS has considered the information submitted and provides the following comments.

In a bush fire context, strategic planning must ensure that future residential land uses within the precincts are in appropriate locations to minimise the risk to life and property from bush fire attack and ensure that the anticipated increase in density is adequately addressed, which can occur in areas where bush fire hazards exist or potentially will exist (due to future revegetation).

A Strategic Bush fire Study must be undertaken as per Table 4.2.1, Section 4 Strategic Planning of *PBP 2019* to ensure that businesses and future residential developments are not exposed to an unacceptable risk of bush fire, and consider the following:

- Future land uses are in appropriate locations to minimise the risk to life and property from bush fire attack.
- Provision of perimeter roads along bush fire interface to separate bush land from urban areas, allowing more efficient use of firefighting resources.
- Ensuring adequate separation of residential development with an interface with green space. This should take into consideration future planting of trees and revegetation of riparian corridors to ensure that a hazard is not created, and provide clarity on which areas will have a plan of management and ensure adequate asset protection zones are available in accordance with *PBP 2019*.
- Services and infrastructure that facilitate effective suppression of bush fires also need to be provided for at the earliest stages of planning.
- Firefighting access and evacuation potential, and an assessment of traffic volumes and evacuation routes. The

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Postal address

NSW Rural Fire Service
Locked Bag 17
GRANVILLE NSW 2142

Street address

NSW Rural Fire Service
4 Murray Rose Ave
SYDNEY OLYMPIC PARK NSW 2127

T (02) 8741 5555
F (02) 8741 5550
www.rfs.nsw.gov.au

potential for development to be isolated in the event of a bush fire must also be considered.

- Increase in demand for emergency services responding to a bush fire emergency including the need for new stations/brigades; and impact on the ability of emergency services to carry out fire suppression in a bush fire emergency.
- Significant fire history and recognised fire paths, these areas may require detailed analysis under PBP 2019.
- Implications of a change in land use on adjoining land including increased pressure on bush fire protection measures through the implementation of Bush Fire Management Plans.

Where an increase in density is proposed by subdivision of bush fire prone land, it must meet the requirements of Chapter 5 of *PBP 2019*.

Once development has been assessed as being appropriate in its bush fire prone context, it will need to be capable of complying with *PBP 2019*. The proposed land uses and associated future developments need to comply with *PBP 2019*. The expectation will be that the development will be able to comply with *PBP 2019* at the DA stage.

For any queries regarding this correspondence, please contact Elaine Chandler on 1300 NSW RFS.

Yours sincerely,

Kalpana Varghese
**Supervisor Development Assessment & Plan
Built & Natural Environment**

Proposed amendment to Lithgow Local Environmental Plan 2014 Scoping Proposal – former Wallerawang Power Station

This attachment relates to TfNSW's response dated 9 June 2023 reference WST18/00046/14.

Context

TfNSW understands the proposal:

- Seeks to amend the *Lithgow Local Environmental Plan 2014*, in particular, rezone land occupied by the former Wallerawang Power Station, to allow for residential, tourism and recreational and industrial/commercial land uses.
- The subject lands have frontage to the Great Western Highway (HW5), Castlereagh Highway (HW18), Barton Avenue (MR531), Main Street and the Main Western Rail Line.

TfNSW comments

TfNSW provides the following advice:

1. To understand the traffic impacts of the proposed amendment, a traffic impact assessment prepared in accordance with Austroads Guide to Traffic Management Part 12 needs to be prepared. Specifically, the assessment needs to identify and address:
 - a. Current traffic volumes, vehicle classes and peak hours operating on adjoining and nearby roads.
 - b. An analysis of key intersections servicing the proposed amendment area between the site and Lithgow and necessary upgrades to accommodate additional traffic generated by the proposal.
 - c. Traffic generated by the proposed amendment (both construction and operation in stages) and the impact of this traffic on the surrounding road network.
 - d. Measures to be employed to minimise reliance on motor vehicle trips including road safety, public and active transport linkages/infrastructure.
 - e. Intermodal transport linkages.
2. Road linkages to Lithgow are via the Great Western Highway via two intersections being the intersection with the Castlereagh Highway and the intersection with Barton Avenue. Castlereagh Highway provides a grade separated access for vehicles turning right from the Great Western Highway into Castlereagh Highway, providing a higher level of safety and traffic efficiency for vehicles performing this movement and their interaction with through traffic in a high-speed environment. In this regard, internal transport networks within the site need to be orientated and designed to utilise this intersection instead of the Barton Avenue intersection.
3. At grade crossings of the Western Rail line should be avoided.
4. Interfaces and interactions with rail land and potential risks or hazards introduced by the proposal.

Final comments

TfNSW would appreciate the opportunity to meet with Council and the traffic consultant engaged to prepare the TIA for this proposal. TfNSW is willing to share data and information in TfNSW's possession to assist the proponent in preparing a robust and reliable TIA.

Wallerawang Rezoning

Traffic Impact Assessment

- Provide traffic counts of before, during construction and after proposal.
- Where possible, include HV counts

Rail

- How will the rail and private siding be used? These will impact current passenger and freight rail

Tourism and Residential Precinct

- Make sure no adverse impact to state roads and freight routes
- How will the dwellings be serviced? Are there any additional retail and commercial requirements?

Figure 9 – Proposed Residential North

- Whilst Wallerawang is outside GS, it is in proximity to GS. Industrial lands should be strategically placed, like near a rail corridor with direct rail access. So, turning it into residential land should be discouraged. This land should be protected for future industrial use with rail access.

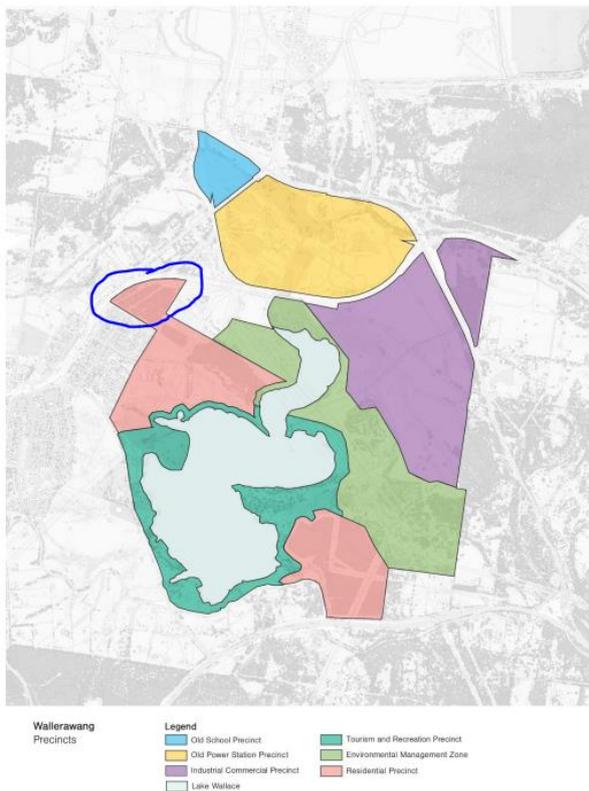


Figure 9 Proposed precincts

Dear Christian,

Transgrid Reference Number: 2023-260

Scoping Proposal Government Authority Forum - Wallerawang Power Station -
Greenspot

Thank you for recently including Transgrid as part of *Lithgow City Council's* online forum.

One of our Land Economist (Timothy Cowdroy) had raised the following points for your consideration, see below:

1. For the proposed residential area to be re-zoned, we kindly request no residential subdivisions occur within Transgrid's Transmission Line Easement corridor.
2. Also, in section 6.3 of the Scoping Proposal, being titled Proposed Consultation, it only mentioned the distributor. We kindly request that Transgrid be included as part of the consultation process.

We also request for a copy of the 'Flood Impact & Assessment' Report if possible.

If you have any further queries, please do not hesitate to contact our team via email –
Easements&Development@transgrid.com.au

Kind regards,

Skye Shanahan
Easements and Development Assessment Advisor | Community and Policy

Transgrid | 180 Thomas Street, Sydney NSW 2000
T: (02) 9620 0104

E: Skye.Shanahan@transgrid.com.au W: www.transgrid.com.au



We acknowledge the Aboriginal and Torres Islander people as the Traditional Custodians of the land which we provide our services. We pay our respects to their Elders, past and present.



Our Ref: C23/277

FE23/501

24 May 2023

Sherilyn Hanrahan
Lithgow City Council
PO Box 19
LITHGOW NSW 2790

Re: Scoping Proposal Wallerawang Power Station Rezoning Consultation

Thank you for providing notification on the 15th May 2023, seeking comment on the proposed works from DPI Fisheries, a division of NSW Department of Primary Industries (DPI).

DPI Fisheries is responsible for ensuring that fish stocks are conserved and that there is no net loss of key fish habitats upon which they depend. To achieve this, DPI Fisheries ensures that developments comply with the requirements of the *Fisheries Management Act 1994* (namely the aquatic habitat protection and threatened species conservation provisions in Parts 7 and 7A of the Act, respectively), and the associated *Policy and Guidelines for Fish Habitat Conservation and Management (2013)*. In addition, DPI Fisheries is responsible for ensuring the sustainable management of commercial, recreational and Aboriginal cultural fishing, aquaculture, marine parks and aquatic reserves within NSW.

DPI Fisheries have reviewed the *Scoping Proposal Wallerawang Power Station Rezoning* in light of the provisions in the *Fisheries Management Act 1994* and the departments *Policy and Guidelines for Fish Habitat Management Conservation and Management (Update 2013)*.

Incorporating ecological sustainability principles within this document and featuring and rehabilitating waterways in the area are essential to ensure the conservation of fish and fish habitat. Inclusion of *Environmentally Sensitive Areas* mapped as *Key Fish Habitats* in conjunction with riparian buffers will assist in proactively protecting these waterways with appropriate rezoning from inappropriate development and will provide significant gains in the protection of sensitive habitats and consequent maintenance of fisheries productivity.

6.1. Matters Requiring Further Assessment

Water Cycle and Stormwater Management

There should be no net increase in runoff and no reduction in water quality of the receiving waters such as Lake Wallace and the Coxs River. Detention ponds and other stormwater treatment devices should be off-line and at-source so they do not interfere with fish passage.

There should be no blockages to fish passage, particularly in relation to gross pollutant traps, detention ponds, instream weirs, flood mitigation measures such as levee banks or waterway crossings. Roads or subdivision access across watercourses are potential fish blockages. Single

access points across a watercourse should be incorporated into planning. E.g a single road easement across a watercourse to subdivisions. Preferred watercourse crossings are outlined in the national guideline document *Why do fish need to cross the road? Fish Passage requirements for waterway crossings*.

Biodiversity

Many species of fish and other aquatic animals are migratory within freshwater habitats. Rezoning proposals should recognise that freshwater rivers, creeks and streams are just as much “biodiversity corridors” as are linear strips of terrestrial vegetation and in conjunction with riparian buffer zones sustain high biodiversity and possess high environmental values. The main threats to fish movement along these corridors are dams, weirs and vehicular crossings.

The department supports actions whereby appropriate rezoning proposals ensure the use of ‘avoid, minimise, offset’ principles are used to protect and conserve biodiversity and areas of high environmental value. Sensitive waterways that possess a high environmental value have been identified by DPI Fisheries and mapped as *Key Fish Habitats* and should be included in councils mapping as an overlay or be used to provide buffers from development and performance standards or provisions should be placed upon development within areas that are rezoned. It is recommended that rezoning proposals consider criteria and standards with respect to activities or developments proposed within or adjacent to *Key Fish Habitats* to ensure;

- Maintenance of streambank and riparian buffer stability,
- Erosion and sediment control,
- Maintenance of vegetative cover,
- Minimisation of disturbance to in-stream habitats such as gravel beds, snags, aquatic macrophytes etc,
- Water quality protection,
- Opportunities for rehabilitation and restoration, particularly following repurposing of the site and surrounds.

This can be achieved by ensuring the rezoning proposal considers appropriately the following matters:

- a) identification of any potential adverse impact on the,
 - i. water quality within the waterway, and
 - ii. aquatic and riparian habitats and ecosystems, and
 - iii. stability of the bed, shore and banks of the waterway, and
 - iv. free passage of fish and other aquatic organisms within or along the waterway, and
 - v. habitat of any threatened species, populations, or ecological communities, and
- b) whether development will increase water extraction from the waterway and the potential impact of the extraction on the waterway, and

Recreational Fishing and Access

Lake Wallace provides important recreational fishing opportunities, particularly for trout. The rezoning may provide an opportunity for improved public access and recreational fishing facilities (e.g. kayak and boat ramps, fishing platforms, fish cleaning tables, etc.)

If you require any further information, please do not hesitate to contact me on 0429 908 856.

Yours sincerely

D. Ward.

David Ward
A/ Senior Fisheries Manager (Murray Darling Unit)

7 June 2023

Contact: *Stuart Little*
Telephone: *02 9865 2449*
Our ref: *D2023/48956*

Sherilyn Hanrahan
Strategic Land Use Planner
Lithgow City Council
PO Box 19
LITHGOW NSW 2790

Dear Ms Hanrahan,

Scoping Proposal: Wallerawang Power Station Rezoning

Thank you for your letter of 11 May 2023 referring the Scoping Proposal for the Wallerawang Power Station site for WaterNSW's consideration and comment. We note that the Scoping Proposal has been prepared to inform pre-lodgement with Lithgow Council and relevant agencies prior to the preparation of a Planning Proposal for the site. WaterNSW has an interest in the Plan in relation to water management, options for water supply, and the protection of our assets and water quality.

The site encompasses approximately 620 ha and is proposed to include seven new precincts. The site includes two WaterNSW landholdings (Lots 1 and 2 DP 778400), which are currently zoned RE1 – Public Recreation and are included in the proposed Residential Precinct. The two lots house a pump station (not currently in use). We would request that this land be rezoned to SP2 (Water Supply Systems) as part of the Planning Proposal.

Within the Study Area, we own and manage the Fish River Scheme. This includes a treated water pipeline which transects the site west to east across Lake Wallace, and other raw water and treated water pipelines that occur in the north-west of the site. This infrastructure will need to be protected during rezoning and redevelopment of the area. We encourage Council to contact us regarding relevant spatial data layers and to confirm the location of our water supply infrastructure assets that need to be protected.

The Proposal has the propensity to generate new additional demands for water including for new industry and residential development. We note that a proposed Water Cycle and Stormwater Management Strategy (WCMS) is to be prepared that would include options and opportunities to access water. The listed sources include the existing Fish River 12" raw water pipe. We ask that the proponent contact us separately regarding opportunities and the feasibility of accessing water from the Fish River Scheme.

More broadly, in relation to water access, please also note that WaterNSW and the Department of Planning and Environment (DPE – Water) share responsibility for granting and managing water access licences (WALs) and water supply work approvals. Responsibilities for water access arrangements can be accessed [here](#). If future development is proposed to be State Significant Development (SSD) or otherwise fall under DPE – Water's portfolio, discussions should be held with DPE – Water in the first instance.

The site sits within the Sydney Drinking Water Catchment (SDWC), which is a declared catchment under the *Water NSW Act 2014* and associated 2020 Regulation. WaterNSW has key responsibilities for protecting water quality in the catchment. The Planning Proposal will need to address the requirements of s 9.1 Ministerial Direction 3.3 Sydney Drinking Water Catchment including referral to us prior to a Gateway decision being made. Part 6.5 of State Environmental Planning Policy (Biodiversity and Conservation) 2021 will also apply to developments within the Study Area including the need for new development to have a neutral or beneficial effect (NorBE) on water quality.

The Scoping Proposal notes that most of the land area is currently zoned SP2 (Electricity Generating Works) and IN1 (General Industrial) and IN3 (Heavy Industrial). The Planning Proposal will need to contemporise the zoning analysis according to the current zonings imposed under the recent Employment (E) zone reforms.

The Planning Proposal presents a unique opportunity for new zonings and planning controls across the former Power Station site to respond to the environmental constraints and values of the area. To this end we believe that the future Planning Proposal will need to give a greater consideration to the presence of waterways and flood risk, particularly in relation to the industrial uses proposed. Flood events have the potential to mobilise and transport pollutants over large areas and in volumes and concentrations not usually encountered.

The precinct proposed for heavy industry (i.e. the new Old Power Station Precinct and Industrial Commercial Precinct) contains flood prone land. To protect water quality, we would encourage the new zoning for areas proposed for Heavy Industry prohibit Hazardous and Offensive industries and related Storage Establishments from flood prone areas. The management of flood risk and heavy industry might best be supported by additional DCP provisions to reduce water quality risks from future development. We also believe that waterways and higher risk flood prone areas in these precincts could be afforded an Environmental Management Zoning.

We note and support the need for additional studies including a WCMS, Flooding Impact and Risk Assessment, a Preliminary Site Investigation (PSI) report for contamination and supporting Detailed Site Investigation (DSI) report for those areas of highest contamination risk. We request that PSI and DSI reports particularly target any ponds or dams associated with the former power station site or other industrial uses in the area. We also believe that the scope of the proposed WCMS should be expanded to cover a much wider range of water-related issues than currently stated (see Attachment 1).

To be meaningful, the Planning Proposal will need to be much more explicit regarding the proposed zonings and land uses proposed to be permissible and prohibited across the Precincts. We also believe that a site-specific DCP should be prepared for the site as indicated in the Scoping Proposal.

Further detailed comments are provided in Attachment 1. We are in the process of preparing Strategic Land and Water Capability Assessment maps for the site which are required to inform the Planning Proposal as required under Direction 3.3. We ask Council to approach us separately regarding the provision of those maps.

Should you have any questions regarding the matters raised in this letter, or need to contact WaterNSW for more information, please contact Stuart Little at stuart.little@waterNSW.com.au.

Yours sincerely



CAMILLA EDMUNDS
Manager Environment and Catchment Protection

ATTACHMENT 1 – DETAIL

The following detailed comments are provided on the Scoping Report with respect to water management and water quality issues relevant to WaterNSW's responsibilities. For ease of implementation, our recommendations are underlined.

WaterNSW land

WaterNSW owns land west of Lake Wallace (Lots 1 and 2 DP 778400). This land is associated with a pumping station that is no longer in use. This land is currently zoned RE1 – Public Recreation. The WaterNSW-owned land is included in the proposed Residential Precinct west of Lake Wallace (Figure 9, page 23 of the Scoping Proposal).

If the Scoping Proposal proceeds to Planning Proposal stage, we ask Council to rezone Lots 1 and 2 DP 778400 as SP2 Infrastructure (Water Supply Systems) to reflect the current use of the land and to enable WaterNSW to better access the Water Supply System provisions of State Environmental Planning Policy (Transport and Infrastructure) 2021.

Fish River Scheme

WaterNSW owns and operates the Fish River Scheme. This includes the treated water pipeline that runs across Lake Wallace. A treated water and raw water pipeline also occurs in the north-west of the study area with the raw water pipeline servicing the former power station site. The location of, and access to these pipelines will need to be factored into the planning design and protected from impacts associated with new development. We ask that Council contact WaterNSW to obtain the location of the relevant pipelines and for these to be identified, considered and protected in the Planning Proposal and any associated site-specific DCP provisions.

Current Zoning

The Scoping Proposal notes that most of the land area is currently zoned SP2 (Electricity Generating Works) and IN1 (General Industrial) and IN3 (Heavy Industrial). We understand that the IN1 land area (Old School Precinct) is currently zoned E4 (General Industrial) and that the IN3 area is zoned E5 Heavy Industrial. The Planning Proposal will need to contemporise the current zoning based on the recent Employment (E) zone reforms.

Proposed Precincts

Seven new precincts are proposed across the site: Old Power Station Precinct, Old School Precinct, Industrial and Commercial Precinct, Residential Precinct, Tourism and Recreation Precinct, Environmental Management Precinct, and Lake Wallace. We note and support the provision of the Environmental Management Precinct establishing a transition and buffer between the industrial uses in the north and residential and tourism uses in the south. We believe the Environmental Management Precinct or zoning should extend along the Coxs River in the north and the waterway in the north-east in those areas that are most affected by flooding (see below).

Flooding Risk

Light and heavy industrial uses are proposed in the north. We are concerned over the potential interaction of industrial land uses and water quality during flooding events, when broad areas are inundated, water volumes and velocities are high, and large volumes and concentrations of pollutants have the potential to be mobilised and transported in run-off.

The Scoping report presents a flood risk map for the area (Figure 19, page 66). Comparing Figure 19 to Figure 9 (Proposed Precincts, page 23) and the indicative land use tables for the precincts under Table 7 (pages 24-28), we make the following observations.

Approximately 75% of the Old School Precinct is affected by the 5% AEP Flooding Event with all of the area inundated in the Probable Maximum Flood (PMF). We hold concerns that this area carries a frequent flooding risk. Based on Table 7, we note that the area is being targeted for light industrial and commercial uses.

- Consideration will need to be given the interaction of flooding and water quality risks in determining the land uses that are most appropriate for this area.
- We support the Planning Proposal in looking to preserve and enhance the riparian areas within this Precinct (page 27).

Within the Old Power Station Precinct, a large central ribbon along the Coxs River is affected by the 5% AEP flood event with almost all the remaining Precinct being inundated in a PMF event. This Precinct is proposed for heavy industry. We are concerned about the risk to water quality from heavy industry in this area, particularly under more frequent flooding scenarios.

- We request that particular consideration be given to the interaction of flooding and water quality risk in devising the land use tables and proposed land uses for this Precinct.
- We believe that uses such as hazardous and offensive industries and related storage establishments should be prohibited from flood-prone areas (up to the PMF) due to contamination risk during flooding, or at least prohibited from land subject to more frequent flooding (e.g. up to 1% AEP). Other development such as resource recovery facilities and service stations should be similarly located outside of flood prone areas.
- We believe that there should be particular flooding risk controls incorporated into the DCP regulating heavy industry below the PMF with a view to minimising water quality risks and protecting water quality.
- We ask that consideration be given to allocating an Environmental Management Zoning for the higher frequency flood risk areas (land up to the 1% or at least 5% AEP) within this Precinct. This would assist in the protection of water quality along the Coxs River.
- The boundaries of the flood risk scenarios will need to be determined having regard to the revised modelling that is proposed to be incorporated into the Flood Risk Study technical document (see below).

Much of the Industrial Commercial Precinct is not flood prone, however, some of the low lying areas are affected by more frequent flooding.

- We request that particular consideration be given to the interaction of flooding and water quality risk in devising the land use tables and proposed land uses for this Precinct.
- We believe that the western boundaries of the Industrial Commercial Precinct should be adjusted slightly and consideration given to allocating an Environmental Management Zone for land up to the 1% (or at least 5% AEP) and along the waterway that drains from the east into Lake Wallace.
- We also ask that hazardous and offensive industries and related storage establishments not be allowed in flood prone areas (up to the PMF) or at least prohibited from land subject to more frequent flooding (e.g. up to 1% AEP). Other development such as resource recovery facilities and service stations should be located outside of flood prone areas.

Waterways

The Study Area includes Lake Wallace, the Coxs River and various other creeks and unnamed waterways that either flow into the Coxs River or Lake Wallace directly. The Proposal notes that the Coxs River is a sixth order stream based on the Strahler Stream classification. Our main concern is that the Coxs River and flood prone lands in the north of the site are incorporated into Precincts proposed for industrial uses including heavy industry (see above comments). The Planning Proposal will need to consider the interaction of heavy industry and water quality risk and include appropriate controls to minimise water quality risks under various flood scenarios.

Sydney Drinking Water Catchment

The site lies within the Sydney Drinking Water Catchment (SDWC). Section 9.1 Ministerial Direction 3.3 Sydney Drinking Water Catchment will need to be considered and addressed in the

Planning Proposal. This Direction has the objective of providing for healthy catchments and protecting water quality within the SDWC.

The Direction requires consultation with WaterNSW prior to a Gateway Determination being made. The site does not occur within land designated as 'Special Area', so the provisions of the Direction that apply to Special Areas are not relevant to this Proposal. The Direction requires consistency with Part 6.5 of Chapter 6 of State Environmental Planning Policy (Biodiversity and Conservation) 2021. Amongst other matters, the development will need to be designed in such a way that future development will be able to have a neutral or beneficial effect (NorBE) on water quality.

Direction 3.3 requires Planning Proposals to identify any existing water quality (including groundwater) risks to waterways on or adjacent to the site. We have taken these requirements into account in offering guidance on what the WCMS should include (see below). The Ministerial Direction requires consideration to be given to the outcomes of the WaterNSW Strategic Land and Water Capability Assessments (SLWCAs). We are in the process of preparing relevant SLWCAs for the site and its precincts based on future uses encompassing Retail/Commercial, Light Industry, Heavy Industry, and Residential (sewered) development. We ask Council to approach us separately with regards to providing relevant SLWCAs for the site.

Matters Requiring Further Assessment

Section 6 of the Scoping Proposal outlines the preliminary environmental considerations with matters requiring further assessments presented in Table 11 (pages 50-57) along with the proposed assessment approach. We make the following comments.

Water Cycle and Stormwater Management Strategy

We note and support the proposed preparation of a Water Cycle and Stormwater Management Strategy (WCMS) to determine proposed stormwater quantity, quality and flow outcomes. We make the following points:

- The proposed Strategy should include consideration of stormwater management, sewerage management, groundwater and water access opportunities/ demands.
- We note that the sources listed include the existing Fish River 12" raw water pipe. We ask that the proponent contact us separately regarding opportunities and feasibility regarding accessing water from the Fish River Scheme.
- The Proposal (and supporting WCMS) should include a hydrology map showing the location of existing waterways and water features with respect to the layout of the proposed precincts.
- The mapped waterways should be considered in the high level site constraints and opportunities analysis. The WCMS should describe how waterways will be protected or managed, and how the proposed zoning responds to hydrological constraints. It should also have regard to the proposed land uses with respect to their location to waterways and risk to water quality.
- The Strategy should:
 - include consideration regarding how waterways and riparian areas will be protected
 - flag matters such as decommissioning and/ or repurposing of ponds and dams
 - include consideration of water sensitive urban design principles in allocating areas and/or measures for stormwater management, water retention and water quality treatment
 - consider the capacity of the existing Sewerage Treatment Plant (STP) and whether upgrades or a new treatment plant would be required for the Proposal. This may need to consider estimated 'trade waste' for the wastewater generated by industrial uses as well as the sewage generated from the residential precincts. Consideration of a

pumping station alone without consideration of the sizing and capacity of the current STP is not sufficient, and

- include consideration of groundwater (quantity, depth, quality) including the Study Area being mapped as 'groundwater vulnerable' under the LEP.

Flooding

The Scoping Proposal notes that Flood Impact and Risk Assessment would be prepared to determine any impacted land, appropriate setback distances from waterways and any restrictions from development in relation to flood affectation. This would include updated flood modelling for the site. We agree with this approach and believe that the modelling would need to consider flooding risks from riverine flooding (Coxs River and Lake Wallace) as well as potential overland flow (stormwater runoff) given current and future predicted impervious areas, including under climate change scenarios.

Contamination Risk

We note that the Scoping Proposal proposes to undertake a Preliminary Site Investigation (PSI) for the full 620 ha site and, where further information is required, that a Detailed Site Investigation (DSI) report be prepared for nominated areas and submitted with the Planning Proposal. We support this approach. We request that the PSI and DSI particularly target any contamination risks associated with ponds or dams associated with the former power station and industrial uses in the area.

**Development Application and Planning Proposal Review
NSW Planning Portal Concurrence and Referral**



Authority	Authority's Reference	Agency Concurrence and Referral	Authority Contact	Authority Notification	Submission Due	Submission Made
Lithgow City Council	GSPP23		Sherilyn Hanrahan	12/05/2023	9/06/2023	14/06/2023

Address	Land Title
Wallerawang Power Station, Wallerawang NSW 2845	Various lots @ 620 hectares

Scope of Development Application or Planning Proposal

Scoping Proposal for Planning Proposal seeking to amend Lithgow Local Environmental Plan (LEP) 2014 to rezone the land to facilitate development of a new precinct with a mix of employment, residential, tourism and recreational uses.

As shown in the below site plan from Endeavour Energy's G/Net master facility model:

Due to the large area covered by the Scoping Proposal, the scale required to show the entire area makes it difficult to see the detail in the plans. The Site Plans only show high voltage electricity infrastructure [11,000 volt / 11 kilovolt (kV) or higher]. However if Council require more detailed plans of any specific area they can be provided upon request. The main features of the electricity distribution network in the area are:

- Easements for 132,000 volt / 132 kV high voltage overhead power lines (active easements are indicated by red hatching).
- Adjoins easements for Endeavour Energy's Wallerawang 132 kV Transmission Supply Point (Lot 920 DP 1164448).

Relevant / applicable clause numbers from Endeavour Energy's standard conditions for Development Application and Planning Proposal Review indicated by .

Condition	Advice	Clause No.	Issue	Detail
<input type="checkbox"/>	<input type="checkbox"/>	1	Adjoining Sites	Adjoining or nearby development / use should be compatible with the use of Endeavour Energy's sites.
<input type="checkbox"/>	<input type="checkbox"/>	2	Asbestos	Area identified or suspected of having asbestos or asbestos containing materials (ACM) present in the electricity network.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	3	Asset Planning	Applicants should not assume adequate supply is immediately available to facilitate their proposed development.
<input type="checkbox"/>	<input checked="" type="checkbox"/>	4	Asset Relocation	Application must be made for an asset relocation / removal to determine possible solutions to the developer's requirements.
<input type="checkbox"/>	<input checked="" type="checkbox"/>	5	Before You Dig	Before commencing any underground activity the applicant must obtain advice from the Before You Dig service.
<input type="checkbox"/>	<input checked="" type="checkbox"/>	6	Bush Fire	Risk needs to be managed to maintain the safety of customers and the communities served by the network.
<input type="checkbox"/>	<input type="checkbox"/>	7	Construction Management	Integrity of electricity infrastructure must be maintained and not impacted by vehicle / plant operation, excessive loads, vibration, dust or moisture penetration.
<input type="checkbox"/>	<input checked="" type="checkbox"/>	8	Contamination	Remediation may be required of soils or surfaces impacted by various forms of electricity infrastructure.
<input type="checkbox"/>	<input checked="" type="checkbox"/>	9	Demolition	All electricity infrastructure shall be regarded as live and care must be taken to not interfere with any part of the electricity network.
<input type="checkbox"/>	<input type="checkbox"/>	10	Dispensation	If a proposal is not compliant with Endeavour Energy's engineering documents or standards, the applicant must request a dispensation.
<input type="checkbox"/>	<input type="checkbox"/>	11	Driveways	For public / road safety and to reduce the risk of vehicle impact, the distance of driveways from electricity infrastructure should be maximised.
<input type="checkbox"/>	<input checked="" type="checkbox"/>	12	Earthing	The construction of any building or structure connected to or in close proximity to the electrical network must be properly earthed.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	13	Easement Management	Preference is for no activities to occur in easements and they must adhere to minimum safety requirements.
<input type="checkbox"/>	<input checked="" type="checkbox"/>	14	Easement Release	No easement is redundant or obsolete until it is released having regard to risks to its network, commercial and community interests.
<input type="checkbox"/>	<input checked="" type="checkbox"/>	15	Easement Subdivision	The incorporation of easements into to multiple / privately owned lots is generally not supported.
<input type="checkbox"/>	<input checked="" type="checkbox"/>	16	Emergency Contact	Endeavour Energy's emergency contact number 131 003 should be included in any relevant risk and safety management plan.
<input type="checkbox"/>	<input type="checkbox"/>	17	Excavation	The integrity of the nearby electricity infrastructure shall not be placed at risk by the carrying out of excavation work.
<input type="checkbox"/>	<input checked="" type="checkbox"/>	18	Flooding	Electricity infrastructure should not be subject to flood inundation or stormwater runoff.
<input type="checkbox"/>	<input type="checkbox"/>	19	Hazardous Environment	Electricity infrastructure can be susceptible to hazard sources or in some situations be regarded as a hazardous source.
<input type="checkbox"/>	<input type="checkbox"/>	20	Modifications	Amendments can impact on electricity load and the contestable works required to facilitate the proposed development.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	21	Network Access	Access to the electricity infrastructure may be required at any time particularly in the event of an emergency.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	22	Network Asset Design	Design electricity infrastructure for safety and environmental compliance consistent with safe design lifecycle principles.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	23	Network Connection	Applicants will need to submit an appropriate application based on the maximum demand for electricity for connection of load.

Condition	Advice	Clause No.	Issue	Detail
<input checked="" type="checkbox"/>	<input type="checkbox"/>	24	Protected Works	Electricity infrastructure without an easement is deemed to be lawful for all purposes under Section 53 'Protection of certain electricity works' of the <i>Electricity Supply Act 1995</i> (NSW).
<input type="checkbox"/>	<input checked="" type="checkbox"/>	25	Prudent Avoidance	Development should avert the possible risk to health from exposure to emissions from electricity infrastructure such as electric and magnetic fields (EMF) and noise.
<input type="checkbox"/>	<input checked="" type="checkbox"/>	26	Public Safety	Public safety training resources are available to help general public / workers understand the risk and how to work safely near electricity infrastructure.
<input type="checkbox"/>	<input type="checkbox"/>	27	Removal of Electricity	Permission is required to remove service / metering and must be performed by an Accredited Service Provider.
<input type="checkbox"/>	<input checked="" type="checkbox"/>	28	Safety Clearances	Any building or structure must comply with the minimum safe distances / clearances for the applicable voltage/s of the overhead power lines.
<input type="checkbox"/>	<input type="checkbox"/>	29	Security / Climb Points	Minimum buffers appropriate to the electricity infrastructure being protected need to be provided to avoid the creation of climb points.
<input type="checkbox"/>	<input type="checkbox"/>	30	Service Conductors	Low voltage service conductors and customer connection points must comply with the 'Service and Installation Rules of NSW'.
<input type="checkbox"/>	<input checked="" type="checkbox"/>	31	Solar / Generation	The performance of the generation system and its effects on the network and other connected customers needs to be assessed.
<input type="checkbox"/>	<input checked="" type="checkbox"/>	32	Streetlighting	Streetlighting should be reviewed and if necessary upgraded to suit any increase in both vehicular and pedestrian traffic.
<input type="checkbox"/>	<input checked="" type="checkbox"/>	33	Sustainability	Reducing greenhouse gas emissions and helping customers save on their energy consumption and costs through new initiatives and projects to adopt sustainable energy technologies.
<input type="checkbox"/>	<input type="checkbox"/>	34	Swimming Pools	Whenever water and electricity are in close proximity, extra care and awareness is required.
<input type="checkbox"/>	<input type="checkbox"/>	35	Telecommunications	Address the risks associated with poor communications services to support the vital electricity supply network Infrastructure.
<input type="checkbox"/>	<input checked="" type="checkbox"/>	36	Vegetation Management	Landscaping that interferes with electricity infrastructure is a potential safety risk and may result in the interruption of supply.
Completed by:				Decision
Cornelis Duba				Approve (with conditions)

Cornelis Duba | Development Application Specialist

M 0455250981

E comelis.duba@endeavourenergy.com.au

51 Huntingwood Drive, Huntingwood NSW 2148. Dharug Country

endeavourenergy.com.au |    



Endeavour Energy respectfully acknowledges the Traditional Custodians on whose lands we live, work, and operate and their Elders past, present and emerging.

Reason(s) for Conditions / Decision (If applicable)

- The Scoping Report includes the following advice.

5.7 Utilities and services

There are existing transmission and pipelines running throughout the site (refer to Figure 17) along with water, electricity, and communication services.

Transgrid's Wallerawang 330 kV Substation (Lot 91/DP1043967) and associated 132kV switchyard is located adjacent to the site, south of the former power station footprint. An overhead transmission line connection between the Wallerawang 9 Battery and the Transgrid Wallerawang 330 kV Substation will be constructed as part of the battery development. The connection will be around 600 metres long and include a transmission corridor of 60 metres in accordance with Transgrid requirements for 330 kV lines. There are also 330 kV power lines associated with the Mount Piper Power Station which traverse the former power station footprint. There are also many other high voltage power line connections across the site attributed to the site's former power station as well as lower voltage power supply connections to the Lake Wallace Recreational Area.

- In regard to Endeavour Energy's adjoining easements for Wallerawang 132 kV Transmission Supply Point (Lot 920 DP 1164448), as well as the existing easements there are additional proposed easements (indicated by the  grey coloured hatching in the Site Plan from Endeavour Energy's G/Net Master Facility Model).

Endeavour Energy's Property Branch have advised that the proposed easement was intended by Transgrid as a future line route for Endeavour Energy's transmission network but Transgrid changed its mind and did not create the easement in Endeavour Energy's favour. Nonetheless the electricity infrastructure over which there is no easement is regarded as protected works under Section 53 'Protection of certain electricity works' of the *Electricity Supply Act 1995* (NSW).

- Any existing electricity infrastructure on private property over which there is no easement may be regarded as protected works under Section 53 'Protection of certain electricity works' of the *Electricity Supply Act 1995* (NSW) and managed as if an easement is in place. Where protected works are to be retained as part of the future development, appropriate easements may need to be created over the electricity infrastructure.
- All encroachments and /or activities (works including subdivision) within or affecting an easement or protected works (other than those approved / certified by Endeavour Energy's Customer Network Solutions Branch as part of an enquiry / application for load or asset relocation project and even if not part of the Development Application) need to be referred to Endeavour Energy's Easements Officers for assessment and possible approval if they meet the minimum safety requirements and controls. However please note that this does not constitute or imply the granting of approval by Endeavour Energy to any or all of the proposed encroachments and / or activities within the easement.

For further information please refer to the attached copies of Endeavour Energy's:

- General Restrictions for Overhead Power Lines.
- Mains Design Instruction MDI 0044 'Easements and Property Tenure Rights' which deals with activities / encroachments within easements.
- Even if an easement has no existing 'Inservice' electricity infrastructure, Endeavour Energy may manage the easement as if electricity infrastructure is in place. No easement is considered to be redundant or obsolete until it is released by Endeavour Energy.
- Endeavour Energy's preference is to have continuity of its easements over the most direct and practicable route affecting the least number of lots as possible. The incorporation of electricity easements into privately owned lots is generally problematic for both Endeavour Energy and the future landowners and requires additional easement management to ensure no uncontrolled activities / encroachments occur within the easement. Therefore it generally does not support the incorporation of easements into multiple / privately owned lots. Accordingly Endeavour Energy's recommendation is that whenever reasonably possible, easements be entirely incorporated into public reserves and not burden private lots (except where they are remnant lots or not subject to development). This is also in keeping with a policy of prudent avoidance.

- As the electricity distribution network relies in part on the retention of appropriate building setbacks to the road frontages to provide safety clearances, the encroachment of building setbacks (including by roof structures) is generally not supported by Endeavour Energy. Particular regard needs to be had to secondary road frontages or where overhead power lines are located near side or rear boundaries where lesser building setbacks apply.
- The minimum required safety clearances and controls for building and structures (whether temporary or permanent) and working near overhead power lines must be maintained at all times. If there is any doubt whatsoever regarding the safety clearances to the overhead power lines, the applicant will need to have the safety clearances assessed by a suitably qualified electrical engineer / Accredited Service Provider (ASP).

Even if there is no issue with the safety clearances to the building and structures, consideration must be given to WorkCover (now SafeWork NSW) 'Work Near Overhead Power Lines Code of Practice 2006' eg. ordinary persons must maintain a minimum safe approach distance of 3.0 metres to all voltages up to and including 132,000 volts / 132 kilovolt (kV).

- The Scoping Report includes the following address in whether the available electricity services are adequate for the development facilitated by the proposed Planning Proposal.

6. Preliminary environmental considerations

This section identifies key impact assessment considerations that will be addressed as part of the Planning Proposal documentation.

6.1 Matters requiring further assessment

Table 11 Matters requiring further assessment

Matter	Proposed Deliverable	Proposed assessment approach
Utilities and Infrastructure	Infrastructure Services Strategy	<p>The Planning Proposal will be informed by an Infrastructure Services Strategy, which will consider utility impacts.</p> <p>The scope of this strategy will include:</p> <ul style="list-style-type: none"> • A high-level assessment of power demands based on proposed land use and development yields; • Engage with Endeavor Energy to understand low voltage supplies in the area and identify any major new infrastructure required to serve the development; and • Assessment of existing networks to identify project wide servicing requirements, key infrastructure and potential lead in routes from publicly owned trunk utilities.

- To ensure an adequate connection, the applicant for the development facilitated by the Planning Proposal will need to engage an Accredited Service Provider (ASP) of an appropriate level and class of accreditation to assess the electricity load and the proposed method of supply for the development.
- If the electricity infrastructure required for the future development facilitated by the Planning Proposal such as padmount substations and associated feeders / cabling is not located within future public roads / reserves, it must be provided with appropriate easements and restrictions in accordance with the requirements and be protected with an appropriate form of property tenure as detailed in the attached copy of Endeavour Energy's 'Land Interest Guidelines For Network Connection'.

Generally it is the Level 3 Accredited Service Provider's (ASP) responsibility (engaged by the developer) to make sure substation location and design complies with Endeavour Energy's standards the suitability of access, safety clearances, fire ratings, flooding etc.

For further information please also refer to the attached copies of Endeavour Energy's:

- Mains Design Instruction MDI 0044 'Easements and Property Tenure Rights'.
- Guide to Fencing, Retaining Walls and Maintenance Around Padmount Substations.

- Endeavour Energy's network asset design policy is to progressively underground all new urban / residential developments. All new cabling / reticulation infrastructure must be of an underground construction type. Where existing overhead construction is present in proximity of the site, it will require undergrounding as the development proceeds.
- The planting of large / deep rooted trees to near electricity infrastructure is opposed by Endeavour Energy. Existing trees which are of low ecological significance in proximity of electricity infrastructure should be removed and if necessary replaced by an alternative smaller planting. The landscape designer will need to ensure any planting near electricity infrastructure achieves Endeavour Energy's vegetation management requirements.
- Not all the conditions / advice marked may be directly or immediately relevant or significant to the Planning Proposal. However, Endeavour Energy's preference is to alert proponents / applicants of the potential matters that may arise should development within closer proximity of the existing and / or required electricity infrastructure needed to facilitate the proposed development on or in the vicinity of the site occur.

Condition or Advice

With Endeavour Energy's Development Application and Planning Proposal Review process / system the intent of the 'Standard Conditions' being indicated as either a 'Condition' or 'Advice' essentially depends on the risk associated with the matter. If the matter is one that is likely or very likely to be an issue / needed to be addressed by the applicant and may require corrective action, then it is marked as a 'Condition'. If the matter is less likely and the consequences of the applicant not addressing it are lower or can be readily rectified, then it is marked as 'Advice'. If the matter is considered to be not applicable / relevant then it is not marked as either.

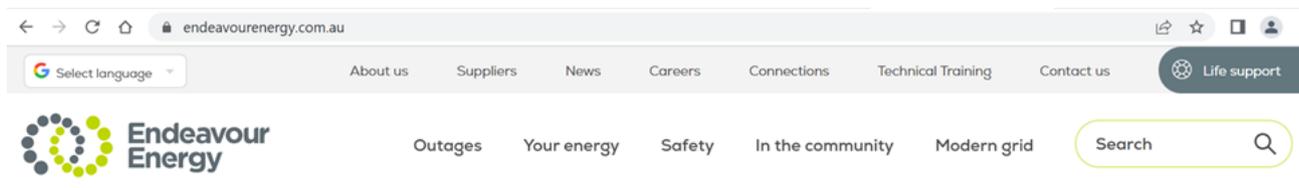
For example, the obtaining advice from the Before You Dig service in accordance with the requirements of the *Electricity Supply Act 1995* (NSW) and associated Regulations is a standard / regulatory requirement. It will be generally indicated as 'Advice'. If the Site Plan from Endeavour Energy's G/Net Master Facility Model indicates there is some uncertainty over the extent or location of the underground cables on or near the site, it would then be indicated as 'Condition' and require action to be undertaken by the applicant eg. the use of an underground asset locating device or a certified locator to verify the asset location.

Decision

In the NSW Planning Portal for the 'Agency response', as Endeavour Energy is not a concurring authority under the provision of the *Environmental Planning and Assessment Act 1979* (NSW), it does not 'Approve' or 'Refuse' a Development Application in the Portal. It will 'Approve (with conditions)' (which may 'Object' in the submission and detail the matters requiring resolution), or if all the matters in the submission are marked as for 'Advice', the outcome of the assessment will also be 'Advice'.

Further Advice

The 'Standard Conditions' include additional advice and contact details and further information is also available on Endeavour Energy's website at <https://www.endeavourenergy.com.au/>.



The following contacts can be reached by calling Endeavour Energy via Head Office enquiries on business days from 9am - 4:30pm on telephone: 133 718 or (02) 9853 6666.

Branch / Section	Matters	Email
Customer Network Solutions	Electricity supply or asset relocation who are responsible for managing the conditions of supply with the applicant and their Accredited Service Provider (ASP).	cicadmin@endeavourenergy.com.au
Easement Officers	Easement management or protected works / assets.	Easements@endeavourenergy.com.au
Property	Property tenure eg. the creation or release of easements.	network_property@endeavourenergy.com.au
Field Operations (to the relevant Field Service Centre).	Safety advice for building or working near electrical assets in public areas (including zone and transmission substations).	Construction.Works@endeavourenergy.com.au

Please note Endeavour Energy's above contacts do not have access to the NSW Planning Portal. To resolve any matters direct contact should be made with the responsible contact. This will avoid double handling and possible delays in responding to the applicant / Council.

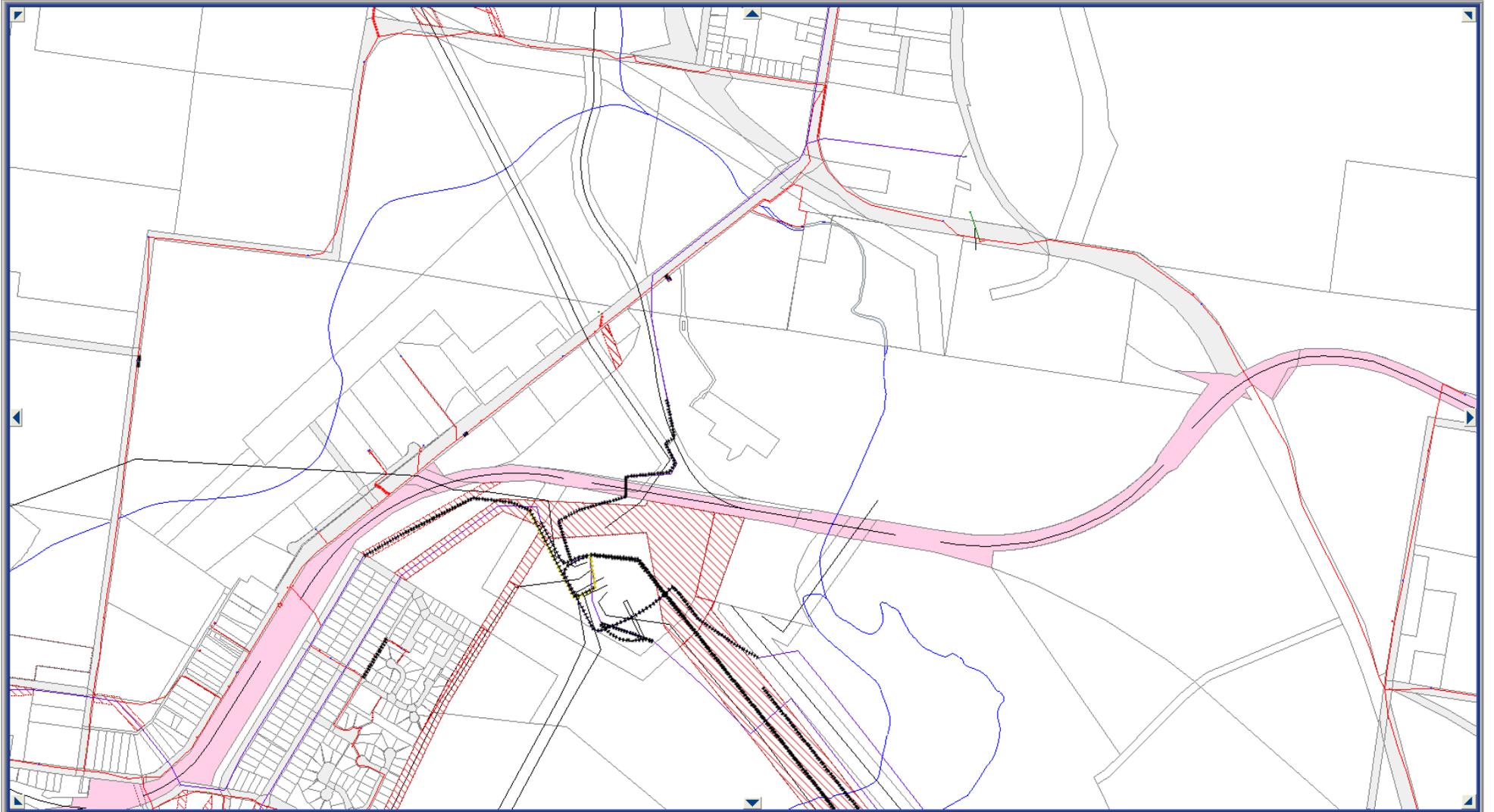
Details of the Accredited Service Provider (ASP) Scheme which accredits organisations to perform contestable work on the NSW electricity distribution network are available via the following link to the Energy NSW website at <https://www.energysaver.nsw.gov.au/get-energy-smart/dealing-energy-providers/installing-or-altering-your-electricity-service>.

Extract of Scoping Report



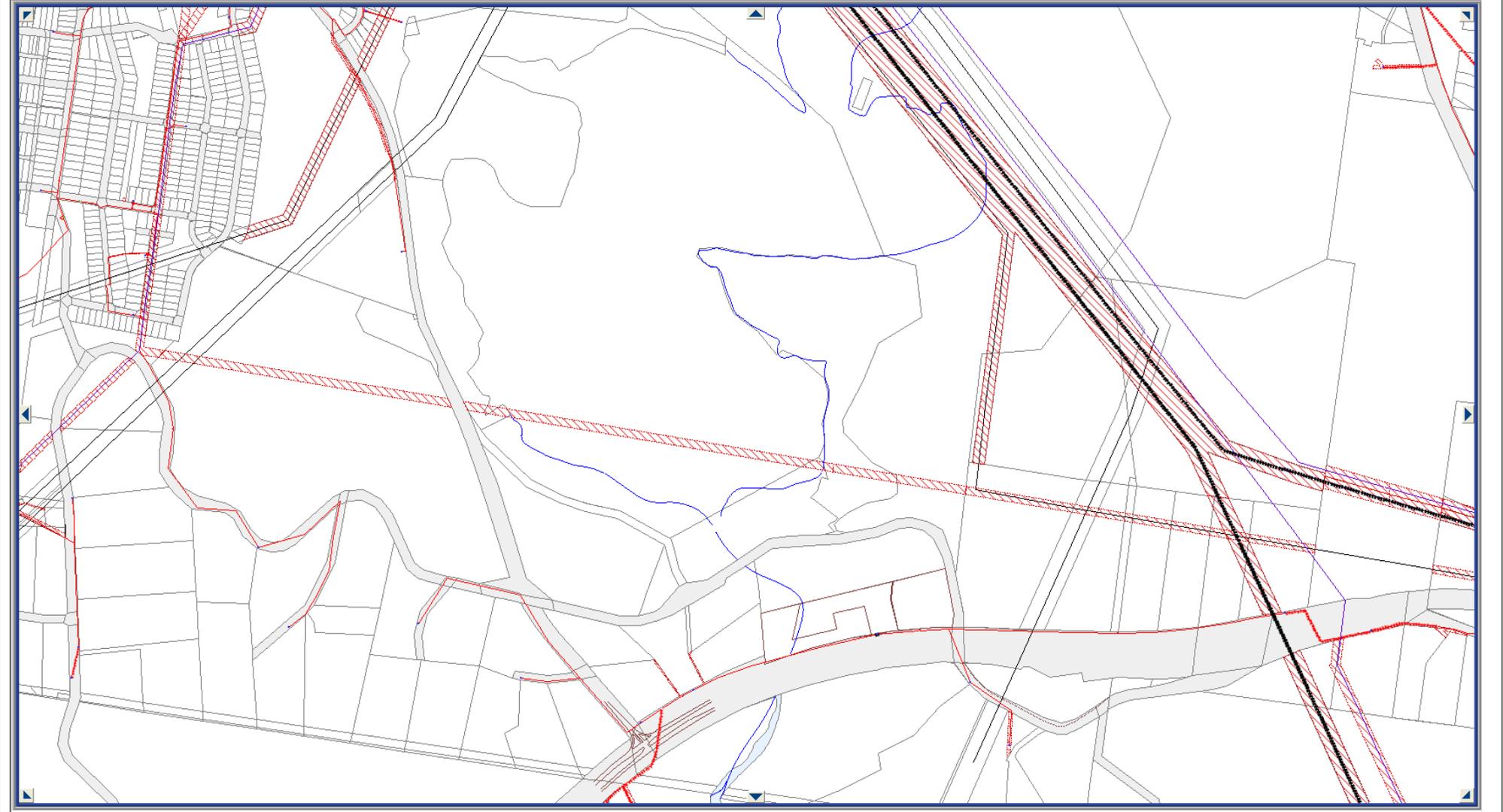
Figure 6 The site

Site Plan from Endeavour Energy's G/Net Master Facility Model

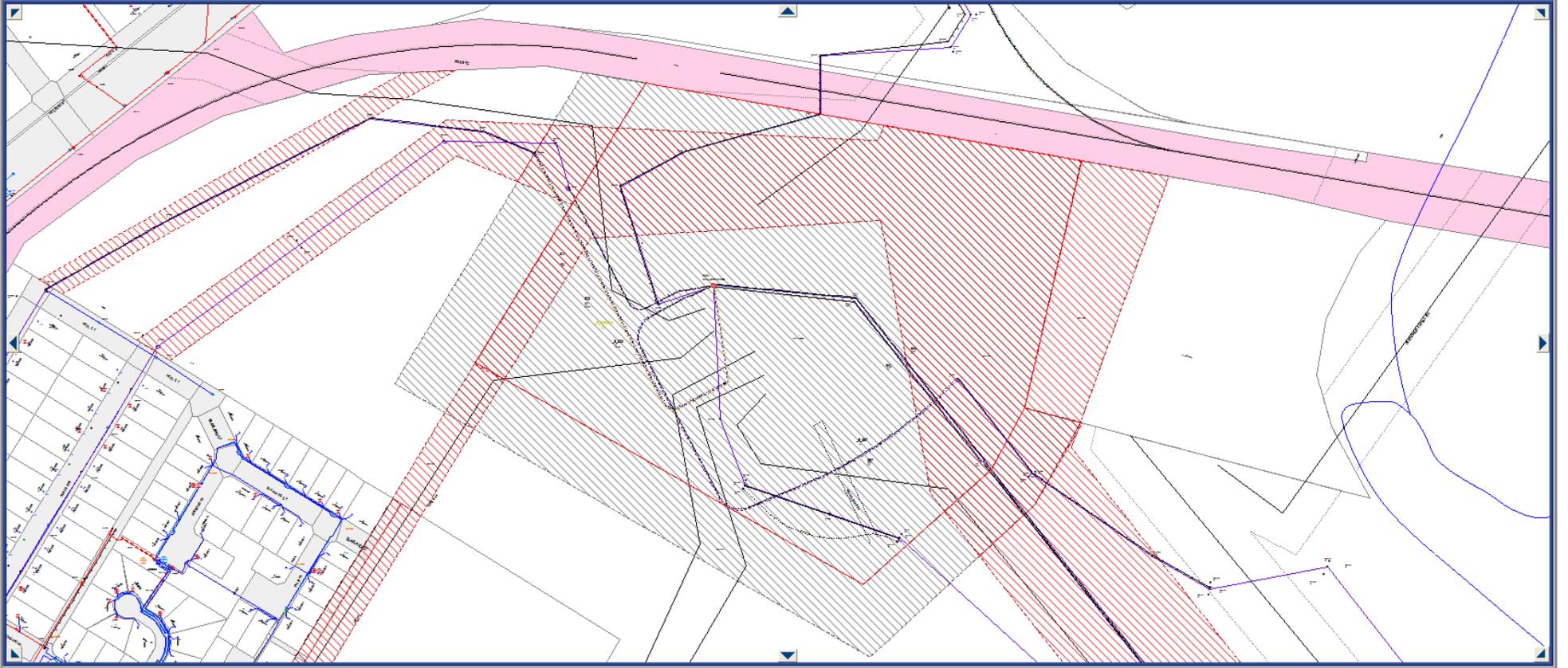


Please note the location, extent and type of any electricity infrastructure, boundaries etc. shown on the plan is indicative only. In addition it must be recognised that the electricity network is constantly extended, augmented and modified and there is a delay from the completion and commissioning of these works until their capture in the model. Easements benefitting Endeavour Energy are indicated by red hatching. Generally (depending on the scale and/or features selected), low voltage (normally not exceeding 1,000 volts) is indicated by blue lines and high voltage (normally exceeding 1,000 volts but for Endeavour Energy's network not exceeding 132,000 volts / 132 kV) by red lines (these lines can appear as solid or dashed and where there are multiple lines / cables only the higher voltage may be shown). This plan only shows the Endeavour Energy network and does not show electricity infrastructure belonging to other authorities or customer owned electrical equipment beyond the customer connection point / point of supply to the property. This plan does not constitute the provision of information on underground electricity power lines by network operators under Part 5E 'Protection of underground electricity power lines' of the *Electricity Supply Act 1995* (NSW).

Site Plan from Endeavour Energy's G/Net Master Facility Model



Site Plan from Endeavour Energy's G/Net Master Facility Model. Wallerawang 132 kV Transmission Supply Point.



G3E_FID	Feature Name	Component Name	G3E_CID	G3E_ID	LOT	SECTION	DP
79591446	Crown Parcel	Crown Parcel Find	1	2163236	920		1164448

PROPOSED EASEMENT

LEGEND	
	Padmount substation
	Indoor substation
	Ground substation
	Kiosk substation
	Cottage substation
	Pole mounted substation
	High voltage customer substation
	Metering unit
	Switch station
	Indoor switch station
	Voltage regulator
	Customer connection point
	Low voltage pillar
	Streetlight column
	Life support customer
	Tower
	Pole
	Pole with streetlight
	Customer owned / private pole
	Cable pit
	Load break switch
	Recloser
	Proposed removed
	Easement
	Subject site

Mr Craig Butler
General Manager
Lithgow City Council
PO Box 19
LITHGOW NSW 2790

Our ref: IRF23/1509

Email: council@lithgow.nsw.gov.au

Attention: Sherilyn Hanrahan, Strategic Land Use Planner

Dear Mr Butler

Response to Scoping Proposal – Wallerawang Power Station Rezoning – Greenspot

Reference is made to Council's letter dated 11 May 2023 and the Government Authority Forum meeting held on 25 May 2023 to review the subject Scoping Proposal about the rezoning and repurposing of the former Wallerawang Power Station site and surrounding land.

I thank Council for the opportunity to comment on the Scoping Proposal for this important development site.

The Department acknowledges Council's consideration of the Scoping Proposal (Stage 1) process in accordance with the Local Environmental Plan Making Guideline September 2022 (LEP Making Guideline). The Department's Western Region office has reviewed the Scoping Proposal and make the following comments:

1. Lithgow Emerging Economy Plan (LEEP)

The Planning Proposal is to consider its consistency with the objectives, actions and desired outcomes of the LEEP.

2. Strategic Merit

Council needs to consider whether the proposal is consistent with its current strategic direction in terms of the LSPS, policies and strategies as well as the Central West and Orana Regional Plan 2041 (CWORP 2041). If the proposal is not consistent with these, the strategic and site-specific strategic merit needs to be addressed with consideration of, including but not limited to, the following matters:

- a) Supply and demand of the proposed land uses within the proposed precincts in terms of Lithgow's established strategic hierarchy in terms of residential and employment.
- b) Why this is the best location for the proposed precincts in terms of Lithgow's residential, employment and recreation hierarchy?
- c) Consideration of future housing needs and location in the LGA.
- d) Overall services and infrastructure capacity (water, sewer, drainage, electricity, gas, telecommunications, and roads) including consideration of:
 - a. What infrastructure is required?
 - b. When will the infrastructure be required?
 - c. Who will be paying the required infrastructure upgrades/provision?

- e) Potential land use conflicts with the existing and anticipated proposed surrounding land uses.
- f) Land constraints (e.g. (not limited to) flood, bushfire, biodiversity, riparian, heritage, potential contamination and slope).
- g) Staging plan and monitoring plan for the proposed development over time.
- h) The future vision of surrounding land that is not captured by the proposed precincts.
- i) Connectivity and interaction of proposed precincts with the adjoining Wallerawang town centre from a land use, physical and social perspective.

We acknowledge the proposal involves a brownfield site and Council's current strategies and policies may not envisage its proposed reuse. The strategic merit should also consider how the change in circumstances presents an opportunity to redevelop the brownfield site and how it relates to what was previously planned before the change in circumstances.

The strategic merit justification should consider the matters stated in Table 3 (pages 74-78) of the LEP Making Guideline when addressing matters not consistent with the LSPS, policies, strategies and CWORP 2041.

3. Central West and Orana Regional Plan 2041 (CWORP 2041)

The future Planning Proposal must consider and address all relevant objectives of CWORP 2041, including but not limited to, the strategies within *Objective 12 Sustain a network of healthy and prosperous centres* and *Objective 21 Implement a precinct-based approach to planning* relating to:

- housing and employment relationships between the regional cities and strategic centres and their surrounding centres
- centres hierarchy and its impact/complementary to Lithgow CBD and existing small centres (Wallerawang/Portland)
- the encroachment of inappropriate and incompatible land uses.
- mixed use facilities and accommodation precincts for temporary and permanent workers.
- sustainable land use requirements and net zero principles.

4. Proposed Precincts – Land Use Compatibility

The Scoping Proposal includes a range of land uses within the proposed precincts but does not indicate the proposed land use zones in terms of the Standard Instrument for the proposed precincts:

- a) The Planning Proposal is to consider whether the anticipated uses in the proposed precincts will be appropriate and compatible within the other precincts proposed as well as the existing developments in Wallerawang and on surrounding land. It should clarify the proposed land uses within the precincts and the surrounding lands.
- b) The Department recommends adequate consideration of appropriate land zones within the proposed precincts in preference to use of Schedule 1 Additional permitted uses of the Lithgow Local Environmental Plan 2014.

Site specific LEP provisions may be considered subject to adequate planning justification having regard to Ministerial Direction 1.4 – Site Specific Provisions.

The Department will work with Council to find a suitable mechanism to enable the proposed land uses when justified.

- c) Any approved or existing developments within the precincts should be compatible and appropriate with the proposed land zones and precincts and identify how they will be dealt with in the Standard Instrument format.
- d) Any potential contamination and pollution generating uses/precincts proposed should be appropriately located away from Lake Wallace and non-industrial uses/precincts. The existing potential contamination is to be addressed in accordance with Ministerial Direction 4.4 Remediation of Contaminated Land.
- e) All easements within the precincts should be identified and considered when determining the appropriate land use zone.

5. EPBC Protected Matters

The Scoping Proposal identifies matters protected by the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act). Early consultation with the Australian Department of Climate Change, Energy, the Environment and Water is recommended.

6. Lake Wallace

Whilst Council has informally advised the Department that Lake Wallace is currently being used by the general public for recreational purposes, the Planning Proposal is to address suitability for this future use.

7. Flooding

Given the topography identified in Appendix A of the Scoping Proposal, the Flooding Impact and Risk Assessment proposed to be submitted in Planning Proposal should take into consideration the locality's overland flow / localised flooding characteristics to demonstrate the appropriateness of rezoning in accordance with Ministerial Direction 4.1 Flooding.

8. Noise and Vibration Impacts

Section 6.2 of the Scoping Proposal states that noise is a matter not requiring further assessment for the Planning Proposal. A high-level Noise and Vibration assessment should be submitted with the Planning Proposal which considers the potential impacts non-residential uses/precincts will create onto the proposed and existing residential areas of Wallerawang and surrounding land.

9. Planning Proposal Category

The Planning Proposal will be categorised as 'Complex' in accordance with the LEP Making Guideline. Refer to Page 17 in relation to Planning Proposal Benchmark Timeframes.

Please note the abovementioned matters are preliminary advice and the Department may request further information should the Scoping Proposal proceed to a Planning Proposal.

The Department commends Council in approaching other relevant agencies and authorities early to review the subject Scoping Proposal. Council will be able to review the respective agency comments and ensure the identified matters and required technical reports are considered in the Planning Proposal.

Stage 1 of the LEP Making Process in the Local Environmental Plan Making Guideline September 2022 also provides an opportunity for the proponent to have a pre-lodgement meeting with the relevant Government Agencies/Authorities. The Department's Western Region office is available to attend and assist with a pre-lodgement meeting if required by Council.

The Department will work with Council to ensure desired planning outcomes are achieved with consideration and justification of the proposal's strategic and site merit.

Should you have any questions, you are welcome to contact John Martinez, Planning Officer, Western Region at the Department of Planning and Environment on 02 5852 6828.

Yours sincerely,



16 June 2023

Wayne Garnsey
Manager, Western Region
Local and Regional Planning

Sherilyn Hanrahan
Strategic Land Use Planner
Lithgow City Council
PO Box 19
LITHGOW NSW 2790

Department of Regional NSW Feedback: Scoping Proposal – Wallerawang Power Station Rezoning – Greenspot

Dear Sherilyn,

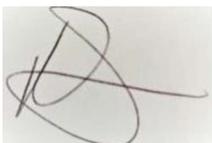
Thank you for your letter of 11 May 2023, asking for feedback on the Greenspot Scoping Proposal (the Proposal).

The Department of Regional NSW (DRNSW) is supportive of the Proposal. The Proposal addresses strategic priorities for the NSW Government and Lithgow City Council (LCC). The former Wallerawang Power Station - Greenspot site is well placed to foster future business investment in the region. Due to Lithgow's proximity and connectivity to economic centres of major economic activity, this supports a diverse and resilient regional economy across regional NSW.

DRNSW understands you have sought the input of several NSW Government departments and agencies. DRNSW remains committed to working with LCC and across the NSW Government to provide the collaboration, connection and support required to consider this opportunity for the region.

Thank you again for the opportunity to provide input at this key stage. The Greenspot development is an exciting opportunity that DRNSW is eager to continue working with LCC on. If you would like to discuss any aspect of the Proposal or require support coordinating with other stakeholders, please contact Ricky Puata, Deputy Director on 0427 103 979 or at Ricky.Puata@regional.nsw.gov.au.

Yours sincerely,



Melissa Schrader
A/Director, Central West
Regional Development and Programs, Regional Development



19 June 2023

Sherilyn Hanrahan
Lithgow City Council
PO Box 19
LITHGOW NSW 2790

Dear Ms Hanrahan

Greenspot Wallerawang Pty Ltd: Scoping Proposal – Wallerawang Power Station Rezoning and Surrounds

Thank you for the opportunity to comment on the Greenspot Wallerawang Pty Ltd: Scoping Proposal – Wallerawang Power Station Rezoning and Surrounds.

Nepean Blue Mountains Local Health District acknowledges the value in a proposal that provides sustainable employment, early access to services, recreation opportunities and an urban residential design that considers healthy, environmentally sound design principles and affordable dwellings.

Specific key areas for consideration include:

Population Growth

The proposal indicates the development of two new residential precincts for Wallerawang of approximately 600 – 800 homes, with the associated increase in population. This increase in the population over the time period in this proposal does not translate to a significant impact on the health infrastructure and services in the Lithgow LGA. The Lithgow population is predicted to plateau by 2036 (NSW Department of Planning and Environment – 2022 Population Projections).

Population Health

The proposal of new residential precincts provides an opportunity to introduce affordable, public, and Aboriginal housing to support the housing supply demands of the Lithgow LGA to 2041. It provides an opportunity to ensure environmental resilient and energy efficient designs can be incorporated and consider the green spaces required to manage urban heat factors.

Access to healthy retail food outlets, pedestrian and cycleway linkages with the existing town centre, and provision of plenty of shaded areas and fresh water stations should also be considered.

Wallerawang has a local First Nations community, and we would advocate for a dedicated cultural centre in consultation with the local elder population.

Emergency Management

The proposal cites opportunities for tourism and recreational uses included in this proposal. Consideration may need to be given to potential impact on health services of any large scale events held within these boundaries.

The District would support the proposal proceeding to the next phase of development, and would request additional consultation opportunities during:

- Preliminary Site Investigation, Detailed Site investigation and Remedial Action Plans
- Water – Drinking, recycling, and recreational development
- Noise assessment
- Urban Design Assessment.

Yours sincerely

A handwritten signature in cursive script, appearing to read 'Kay Hyman', written in black ink.

Kay Hyman
Chief Executive
Nepean Blue Mountains Local Health District



Department of Planning and Environment

Sherilyn Hanrahan
Strategic Land Use Planner
Lithgow Cit Council
council@lithgow.gov.au

Our ref: DOC23/446506
Your ref: GSPP23

Dear Ms Hanrahan

Planning proposal – Wallerawang Power Station

Thank you for your e-mail dated 15 May 2023 to the Biodiversity, Conservation and Science Directorate (BCS) of the Department of Planning and Environment inviting comments on the preparation of a Planning Proposal for the Wallerawang Power Station site.

BCS understands that the subject site is currently zoned SP2 Infrastructure (Electricity Generating Works) and IN3 heavy Industrial. The proponent will be seeking to rezone the site to accommodate a mix of industrial, commercial, residential, tourism and recreational uses. Seven precincts have been set out in a preliminary draft concept plan, with further desktop and on-ground investigations proposed.

BCS supports the proposed use of an environmental management zone to conserve and enhance areas of native vegetation.

BCS has four areas of interest relating to strategic land use planning proposals:

1. The impacts of development intensification on biodiversity
2. Adequate investigation of the environmental constraints of affected land
3. Avoiding intensification of land use and settlement in areas of high environmental value (HEV), and
4. Ensuring that development within a floodplain is consistent with the NSW Government's Flood Prone Land Policy, the principles set out in the Floodplain Development Manual, and applicable urban and rural floodplain risk management plans.

We generally support strategic planning proposals which:

- Avoid settlement intensification in areas of HEV and environmental hazards
- Aligns with state, regional and local strategic planning frameworks and includes objectives, such as 'no net loss of native vegetation'
- Update planning controls to reflect the environmental values and constraints present, and
- Minimise flood risk to human life, property and the local environment while maintaining floodplain connectivity for environmental benefit.

BCS North West Branch have developed a standard approach for planning proposals to assess biodiversity impacts on HEV land. The approach is set out in the three attachments to this letter:

- **Attachment A** describes our recommended steps for assessing and addressing biodiversity as part of a planning proposal. This aims to ensure that a planning proposal can demonstrate consistency with the strategic planning framework including the relevant Regional Plan, particularly in identifying and protecting HEV lands.

- **Attachment B** describes the HEV criteria and provides our recommended method for investigating lands for the presence of the HEV criteria at the property scale as part of a planning proposal
- **Attachment C** provides our recommended guidance for avoiding and minimising impacts on HEV land as part of a planning proposal

We encourage Council to contact us early to clarify any of our feedback or discuss components of planned fieldwork for identification of HEV or preparation of any biodiversity studies associated with the planning proposal. Early engagement can simplify the biodiversity assessment process associated with any potential development assessments related with this planning proposal.

Biodiversity

BCS recommends that an accredited assessor is engaged to complete Stage 1 of the Biodiversity Assessment Method (BAM) as part of preparing the Planning Proposal and informing proposed zonings. As outlined in Attachment C, consideration of the requirements of the Biodiversity Offset Scheme (BOS) at the strategic planning stage can simplify future development applications.

The scoping report (page 45) provides an overview of available biodiversity data in the vicinity of the site. Based on review of a BDAR for the Wallerawang battery project, the scoping report indicates the potential presence of a number of threatened species, including the Large Bent-winged Bat and the Large-eared Pied Bat on the subject site. Where the Biodiversity Offset Scheme applies, these two entities are considered are at risk of serious and irreversible impacts (SAIL) within the meaning of clause 6.7 of the *Biodiversity Conservation Regulation 2017*. Entities at risk of SAIL have additional assessment requirements under the BAM.

Under section 7.16 of the *Biodiversity Conservation Act 2016*, the consent authority must refuse to grant consent to a proposed development if the approval the development is likely to have a serious and irreversible impact on SAIL entities. Further advice regarding determination of serious and irreversible impacts is available via the *Guidance to assist a decision-maker to determine a serious and irreversible impact* (DPIE, 2019). This guidance is available on the Department's website at: <https://www.environment.nsw.gov.au/topics/animals-and-plants/biodiversity-offsets-scheme/local-government-and-other-decision-makers/serious-and-irreversible-impacts-of-development>.

There may also be Commonwealth *Environment Protection and Biodiversity Conservation Act 1999* listed communities and species on site. BCS recommends that the Commonwealth be contacted for early discussion of the proposal.

Flooding

The scoping report states that much of the area to the north and west is subject to potential flooding based on flood modelling previously undertaken, however the area is not mapped as flood prone under the Lithgow LEP.

BCS has provided an extract from our standard environmental assessment requirements for environmental assessments related to flooding impacts for Council's information (**Attachment D**). The content of these standard requirements may provide useful context when considering the potential for flooding issues within the Part 3 strategic planning process.

If you require any further information regarding this matter, please contact Erica Baigent, Senior Conservation Planning Officer, via erica.baigent@environment.nsw.gov.au or (02) 6883 5311.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Liz Mazzer', with a stylized flourish at the end.

Liz Mazzer
A/Senior Team Leader Planning North West
Biodiversity, Conservation and Science Directorate

15 June 2023

BCS NW Branch Steps for Assessing Biodiversity in Planning Proposals

Introduction

Planning proposals should demonstrate consistency with the State, regional and local strategic planning framework including the relevant Regional Plan and section 9.1 Ministerial Directions. To be consistent with the relevant Regional Plan for areas with High Environmental Value (HEV) (see **Attachment B** for identifying HEV), planning proposals should identify areas of HEV at the property scale and avoid intensification of development and land uses in those areas.

The s.9.1 Direction 2.1 Conservation Zones, require that Councils in preparing or amending an LEP must include provisions that facilitate the protection and conservation of Environmentally Sensitive Areas (ESAs) zoned or otherwise identified for conservation. As a minimum, these provisions must aim to maintain the existing level of protection for ESAs within the local government area (LGA), as afforded by the current LEP

Avoiding and minimising land use intensification in HEV areas may also facilitate future development by avoiding triggering the Biodiversity Offset Scheme (BOS) at the development application stage; or simplifying the application of the Biodiversity Assessment Method (BAM) and reducing future biodiversity credit liability.

Biodiversity assessment for all planning proposals which affect HEV

Biodiversity assessment for planning proposals should implement the following steps:

Step 1: Identify HEV

The planning proposal should identify and map areas of HEV with desktop analysis and site investigations when required, as set out in **Attachment B**.

Step 2: Avoid and minimise impacts on HEV

The planning proposal should take into consideration any impacts throughout the life of the proposal and all possible future land uses. Once all impacts are identified, the proposal can be located and designed to maximise avoidance of land use intensification in HEV areas and adhere with the guidance in

Attachment C. Step 3: Protect HEV

The planning proposal should maintain or improve existing planning provisions to protect HEV, while permitting land use intensification on certain parts of the land suitable for development. Updates to planning controls should reflect the environmental values and constraints present on the land, rather than permitting development intensification uniformly across an entire site. Areas of HEV should instead be better protected by updating LEP provisions, such as through:

- an appropriate zone which has strong conservation objectives and limited land uses
- an appropriate minimum lot size (MLS) so the land cannot be subdivided
- updating terrestrial biodiversity mapping
- creating local provisions which:
 - contain site specific constraints such as buffers, objectives and considerations for future development consents and limits certain development or land uses
 - identifies land with "high biodiversity significance"¹ to preclude exempt or complying development from occurring on any ESAs

¹ *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008* – cl.1.5(g) and *Standard Instrument – Principal Local Environmental Plan (2006 EPI 155a)* cl.3.3(g) "environmentally sensitive area" includes land identified in an environmental planning instrument as being of high biodiversity significance.

- require future management actions through a Development Control Plan (DCP) or Biodiversity and Vegetation Management Plan (BVMP).

Optional step for large or complex planning proposals which affect HEV

Step 4: Identify biodiversity values and entities at risk of Serious and Irreversible Impacts (SII)

The planning proposal could apply Stage 1 of the Biodiversity Assessment Method (BAM) to identify Plant Community Types, threatened species and ecological communities, as well as SII entities likely to be present. Application of Stage 1 of the BAM can be beneficial at the planning proposal stage as, if in the opinion of Council any:

- clearing associated with future subdivision or development of the land is likely to impact native vegetation and exceed the thresholds in Part 7 of the *Biodiversity Conservation Regulation 2017*, then a biodiversity development assessment report will be required at the development application stage.
- future development is likely to have a serious and irreversible impact on a SII entity, then under section 7.16 of the *Biodiversity Conservation Act 2016* a consent authority must refuse to grant consent to the development. Further advice regarding determination of serious and irreversible impacts is available via the [Guidance to assist a decision-maker to determine a serious and irreversible impact \(2019\)](#).

By applying Stage 1 of the BAM as part of the planning proposal, the proponent can further identify and avoid areas of biodiversity value that will generate a biodiversity credit liability or contain SII entities in the development application planning phase. When biodiversity is considered strategically at planning stage, future development assessment can be simplified and credit obligations reduced.

BCS NW Branch HEV Criteria and Identification Methods at the Property Scale

High Environmental Value (HEV) Criteria and Components		Property Scale HEV Identification Method
Criterion 1. Sensitive Biodiversity Mapped on the Biodiversity Values Map		
1.1 Biodiversity Values Map		<ul style="list-style-type: none"> a. Identify the parts of the land on the Biodiversity Values map which can be viewed at https://www.environment.nsw.gov.au/topics/animals-and-plants/biodiversity-offsets-scheme/about-the-biodiversity-offsets-scheme/when-does-bos-apply/biodiversity-values-map. b. Include any BV map areas as HEV.
Criterion 2. Native vegetation of high conservation value		
2.1 Vegetation in over-cleared landscapes (Mitchell landscapes)		<ul style="list-style-type: none"> a. Identify over-cleared Mitchell landscapes by viewing map data from the SEED portal https://www.seed.nsw.gov.au/ – selecting NSW (Mitchell Landscapes) – latest version, selecting 'Show on Seed Map' and viewing the 'View Over Cleared Land Status'. b. Map all native vegetation on the land as HEV if it is in an over-cleared Mitchell landscape.
2.2 Over-cleared vegetation types		<ul style="list-style-type: none"> a. Identify Plant Community Types (PCTs) on the land through field work. b. Register and visit the Vegetation Information System (VIS) database at vis@environment.nsw.gov.au. c. Use the VIS to determine whether the % cleared status of the PCTs identified through field work on the land is above 70%. d. Map all PCTs on the land with the % cleared above 70% as HEV.
2.3 Threatened Ecological Communities - any vulnerable, endangered, or critically endangered ecological community listed under the BC Act, the FM Act 1994 or the EPBC Act and not mapped on the BV map		<ul style="list-style-type: none"> a. Identify Plant Community Types (PCTs) on the land through field work. b. Register and visit the VIS database at vis@environment.nsw.gov.au. c. Use the VIS to determine whether the PCTs on the land have Threatened Ecological Community (TEC) Status. d. If not identified as a TEC from steps a – c above, then refer to the NSW Threatened Species Scientific Committee determinations to consider whether any of the PCTs accords with the determinations. e. Map all PCTs on the land that are TECs as HEV.
Criterion 3. Threatened species		
3.1 Key habitat for threatened species (vulnerable, endangered, or critically endangered species listed under BC Act)	Key breeding habitats with known breeding occurrence	<ul style="list-style-type: none"> a. Search BioNet for threatened species records on and within 10km of the land b. Undertake field work to identify potential breeding habitats on the land for threatened species. c. Either assume breeding occurrence and map identified breeding habitats on the land as HEV or undertake targeted surveys during the applicable breeding season(s) and map these habitats as HEV if breeding occurs there.
	Core Koala Habitat	<ul style="list-style-type: none"> a. Check council records for approved comprehensive or individual property Koala Plans of Management (KPoM). b. Identify areas of core koala habitat on the land mapped in any approved KPoM and map these areas as HEV. c. If there are no approved KPoMs, then undertake field work in accordance with the relevant State Environmental Planning Policy (SEPP) for koalas, e.g. SEPP (Biodiversity and Conservation) 2022, to determine whether Core Koala Habitat is present on the land. d. Map any core koala habitat identified on the land through field work as HEV.
	Habitat for known populations of flora	<ul style="list-style-type: none"> a. Search BioNet for threatened species records on and within 10km of the land.

High Environmental Value (HEV) Criteria and Components		Property Scale HEV Identification Method
	and fauna species-credit-species and SAI entities (species-credit species and SAI entities are identified in the Threatened Biodiversity Data Collection)	<ul style="list-style-type: none"> b. Undertake field work to identify populations of threatened species credit species on the land and their habitats. c. Map all habitats of known populations of species credit species on the land as HEV. <p>The Biodiversity Assessment Method and the Department's survey assessment guidelines should be referred to for suitable habitat assessment methodologies and can be found here.</p> <p>If a recent Biodiversity Development Assessment Report has been prepared for the land, then this could be referred to in support of demonstrating how this criterion has been considered.</p>
	Key habitats for migratory species	<ul style="list-style-type: none"> a. Search BioNet for threatened migratory species records on and within 10km of the land. b. Undertake field work to identify habitats of threatened migratory species on the land. c. Map all habitats of threatened migratory species on the land as HEV.
Criterion 4. Wetlands, rivers, estuaries & coastal features of high environmental value		
4.1 Nationally important wetlands	<p>Note: Rivers and their riparian areas comprising HEV are already included in the Biodiversity Values Map under HEV Criterion 1 as protected riparian land</p>	<ul style="list-style-type: none"> a. Search the Directory of Important Wetlands in Australia for those occurring in NSW available at http://www.environment.gov.au/cgi-bin/wetlands/search.pl?smode=DOIW. b. Identify any nationally important wetlands listed in the directory that occur on the land and map these areas as HEV.
Criterion 5. Areas of geological significance		
5.1 Karst landscapes		<ul style="list-style-type: none"> a. Identify whether limestone outcrops or caves occur on the land. b. Consider any additional Karst landscapes that occur in the vicinity of the land, with reference to the NSW Government's <i>Guide to New South Wales Karst and Caves</i> available at https://www.environment.nsw.gov.au/-/media/OEH/Corporate-Site/Documents/Land-and-soil/nsw-karst-cave-guide-110455.pdf and any other available karst mapping, such as karst maps associated with local environmental plans. c. Map any limestone outcrops or caves on the land and any other karst landscapes that occur in the vicinity of the land as HEV.
5.2 Sites of geological significance included in the State Heritage Register or Heritage Inventory		<ul style="list-style-type: none"> a. Map any sites of geological significance that occur on, or in the vicinity of, the land as HEV. Refer to the State Heritage Inventory and map at https://www.environment.nsw.gov.au/topics/heritage/search-heritage-databases/state-heritage-inventory

BCS NW Branch HEV Guidance for Avoiding and Minimising Impacts on HEV Land

Decisions about the location of land use intensification in planning proposals should be informed by knowledge of biodiversity values including High Environmental Values (HEV) recognising that this is an iterative process that should consider the guidance provided below.

Locating land use intensification to avoid and minimise impacts on validated HEV

1. Planning proposal design, including the potential location of future temporary and permanent ancillary construction and maintenance facilities, should minimise direct impacts to clearing of native vegetation, habitat of threatened species and ecological communities, and validated HEV.

Impacts can be avoided and minimised by locating land use intensification in areas:

- (a) where there are no biodiversity values e.g. locating future development away from native vegetation, geological features of significance or waterbodies
 - (b) that avoid habitat for species and native vegetation communities in high threat status categories (i.e. endangered or critically endangered species or communities)
 - (c) where the native vegetation or threatened species habitat is in the poorest condition (e.g. areas that have already been disturbed)
 - (d) such that connectivity enabling movement of species and genetic material between areas of adjacent or nearby habitat is maintained e.g. further fragmenting or isolating habitat patches, and migratory flight paths to important habitat.
2. In selecting locations for land use intensification, the following alternatives should be addressed:
 - (a) optimising the locations of land use intensification to minimise future interactions with threatened species and ecological communities, e.g. allowing for buffers around features that attract and support aerial species, such as forest edges, riparian corridors and wetlands, ridgetops and gullies, and National Park estate²
 - (b) alternative locations that would avoid or minimise impacts on biodiversity values and justification for selecting the proposed location
 - (c) alternative sites within a property on which land use intensification is proposed that would avoid or minimise impacts on biodiversity values and justification for selecting the proposed site.
 3. Justifications for decisions on the location of land use intensification should identify any other site constraints that the proponent has considered in determining the location and design of these areas, e.g. bushfire protection requirements including clearing for asset protection zones, flood planning levels, servicing constraints.
 4. Actions taken to avoid and minimise impacts through locating areas for land use intensification must be documented and justified in the planning proposal.

² For more information, see the Developments adjacent to NPWS lands: Guidelines for consent and planning authorities (Environment, Energy and Science, 2020), accessible at <https://www.environment.nsw.gov.au/-/media/OEH/Corporate-Site/Documents/Parks-reserves-and-protected-areas/Development-guidelines/developments-adjacent-npws-lands-200362.pdf>

Other Impacts on validated HEV

Some future development to be enabled by a planning proposal may have other impacts on validated HEV in addition to, or instead of, impacts from clearing vegetation and/or loss of habitat. For many of these impacts, validated HEV may be difficult to quantify, replace or offset, making avoiding and minimising impacts critical.

Other impacts on validated HEV can include:

- (a) impacts of future development on the habitat of threatened species or ecological communities associated with:
 - i. karst, caves, crevices, cliffs and other geological features of significance, or
 - ii. rocks, or
 - iii. human made structures, or
 - iv. non-native vegetation
- (b) impacts of future development on the connectivity of different areas of habitat of threatened species that facilitates the movement of those species across their range
- (c) impacts of future development on movement of threatened species that maintains their life cycle
- (d) impacts of future development on water quality, water bodies and hydrological processes that sustain threatened species and threatened ecological communities (including from subsidence or upsidence resulting from underground mining)
- (e) impacts of wind turbine strikes on protected animals
- (f) impacts of vehicle strikes on threatened species or on animals that are part of a Threatened Ecological Community.

Within the BC Act, these types of impacts are called 'prescribed impacts'. Where the Biodiversity Offset Scheme is triggered by a future development, the decision maker may increase the number of biodiversity credits to be retired (or other conservation measures to be undertaken) to compensate for residual prescribed impacts. Avoiding these types of impacts to HEV at the planning proposal stage can simplify future development assessment at the site.

Extract from the BCS Standard Environmental Assessment Requirements – State Significant Development.

The standard BCS environmental assessment requirements for environmental assessments related to flooding impacts are provided below for context when considering potential flooding issues within the Part 3 strategic planning process.

Flooding
<p>1. The environmental assessment must map the following features relevant to flooding as described in the Floodplain Development Manual 2005 including:</p> <ul style="list-style-type: none"> a. Flood prone land b. Flood planning area, the area below the flood planning level c. Hydraulic categorisation (floodways and flood storage areas) d. Flood hazard.
<p>2. The environmental assessment must describe flood assessment and modelling undertaken in determining the design flood levels for events, including a minimum of the 5% Annual Exceedance Probability (AEP), 1% AEP, flood levels and the probable maximum flood, or an equivalent extreme event.</p>
<p>3. The environmental assessment must model the effect of the proposed project (including fill) on the flood behaviour under the following scenarios:</p> <ul style="list-style-type: none"> a. Current flood behaviour for a range of design events as identified in 14 above. This includes the 0.5% and 0.2% AEP year flood events as proxies for assessing sensitivity to an increase in rainfall intensity of flood producing rainfall events due to climate change.
<p>4. Modelling in the environmental assessment must consider and document:</p> <ul style="list-style-type: none"> a. Existing council flood studies in the area and examine consistency to the flood behaviour documented in these studies. b. The impact on existing flood behaviour for a full range of flood events including up to the probable maximum flood, or an equivalent extreme flood. c. Impacts of the development on flood behaviour resulting in detrimental changes in potential flood affection of other developments or land. This may include redirection of flow, flow velocities, flood levels, hazard categories and hydraulic categories. d. Relevant provisions of the NSW Floodplain Development Manual 2005.
<p>5. The environmental assessment must assess the impacts on the proposed project on flood behaviour, including:</p> <ul style="list-style-type: none"> a. Whether there will be detrimental increases in the potential flood affection of other properties, assets and infrastructure. b. Consistency with Council floodplain risk management plans. c. Consistency with any Rural Floodplain Management Plans. d. Compatibility with the flood hazard of the land. e. Compatibility with the hydraulic functions of flow conveyance in floodways and storage in flood storage areas of the land.

- f. Whether there will be adverse effect to beneficial inundation of the floodplain environment, on, adjacent to or downstream of the site.
- g. Whether there will be direct or indirect increase in erosion, siltation, destruction of riparian vegetation or a reduction in the stability of riverbanks or watercourses.
- h. Any impacts the development may have upon existing community emergency management arrangements for flooding. These matters are to be discussed with the NSW SES and Council.
- i. Whether the proposal incorporates specific measures to manage risk to life from flood. These matters are to be discussed with the NSW SES and Council.
- j. Emergency management, evacuation and access, and contingency measures for the development considering the full range of flood risk (based upon the probable maximum flood or an equivalent extreme flood event). These matters are to be discussed with and have the support of Council and the NSW SES.
- k. Any impacts the development may have on the social and economic costs to the community as consequence of flooding.

Standard Guidance Material - Flooding	
Floodplain Development Manual	http://www.environment.nsw.gov.au/floodplains/manual.htm
Floodplain Risk Management Guidelines	http://www.environment.nsw.gov.au/topics/water/coast-s-and-floodplains/floodplains/floodplain-guidelines
NSW Climate Impact Profile	http://climatechange.environment.nsw.gov.au/
Climate Change Impacts and Risk Management	https://www.environment.gov.au/climate-change/adaptation/publications/climate-change-impact-risk-management

Ms Sherilyn Hanrahan
Strategic Land Use Planner
Lithgow City Council
P O Box 19
Lithgow NSW 2790

E: council@lthgow.nsw.gov.au

Scoping Proposal – Wallerawang Power Station Rezoning- Greenspot

Dear Ms Hanrahan

Thank you for your correspondence of 11 May 2023 and the opportunity to provide comment on the above Scoping Proposal.

The NSW Department of Primary Industries (DPI) Agriculture collaborates and partners with our stakeholders to protect and enhance the productive and sustainable use and resilience of agricultural resources and the environment.

DPI Agriculture has reviewed the documents provided and considered potential impacts to agricultural land and agricultural production in relation to the above proposal.

It is noted that the Scoping Proposal identifies an area of land zoned RU1 Primary Production to the north of the subject proposal site. This area of RU1 currently hosts transmission and railway infrastructure so the agricultural land uses on this site, if present, would be a minor consequence to the proposal.

DPI will continue to support Lithgow City Council in its strategic planning initiatives including how this proposal will fit into Council's future development direction.

Should you require clarification on any of the information contained in this response, please do not hesitate to contact me on 0427 949 987 or by email at landuse.ag@dpi.nsw.gov.au.

Sincerely



Mary Kovac
Agricultural Land Use Planning Officer
Ag Strategic Initiatives
Central West Orana Region

2 June 2023