

28 JUN 2013

Doc. No.....
GDA Ref.....
Years.....
**Primary
Industries**

V13/2042
OUT13/16332
25th June 2013
General Manager
Lithgow City Council
PO Box 19
LITHGOW NSW 2790

Your Ref: LEP2013

Dear Sir/Madam

Re: Draft Lithgow City Local Environmental Plan 2013

Thank you for providing *Fisheries NSW* the opportunity to comment on the Draft Lithgow City Local Environmental Plan 2013. *Fisheries NSW* are 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, the Department 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 (Updated 2013)*.

Fisheries NSW supports the inclusion of 7.4. *Riparian Land and Waterways* clauses within *Part 7 Additional Local Provisions* of the LEP which address development within watercourses and adjacent riparian areas. The clauses will be particularly helpful with regards to development near *Key Fish Habitats* as they raise a number of key environmental issues for due consideration in order to minimise/mitigate negative impacts on waterways and riparian land.

Fisheries NSW are pleased to note the direction in which the *LGA Planning Proposal Maps* are headed with the identification of land as watercourses on the Lithgow City LEP 2013 *Sensitive Water Overlay* maps. *Fisheries NSW* do however have a more detailed riparian mapping layer of *Key Fish Habitat* which includes all waterways down to third order streams (Strahler Stream Ordering System), which the department would support as incorporating into the *Sensitive Water Overlay* maps. *Fisheries NSW* can provide these maps to Lithgow City Council as GIS compatible digital data for inclusion in the LEP as mapped on the departmental website www.dpi.nsw.gov.au/fisheries/habitat/protecting-habitats#Mapping-of-Key-Fish-Habitats, as the provisions within the *Riparian Land and Waterways* clauses should be applied to these waterways which as currently proposed will not be covered.

If you have any queries do not hesitate to call me on 6763 1255 or 0429 908 856.

Yours sincerely

David Ward
Fisheries Conservation Manager (Greater Darling)

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