



Our Ref: DOC19/239820
Your Ref: KLEP2013-AM-27

The General Manager
Kempsey Shire Council
PO Box 3078
WEST KEMPSEY NSW 2440

Attention: Mr Peter Orr - Senior Strategic Planning Officer

By email: Peter.Orr@kempsey.nsw.gov.au

Dear Mr Milburn

Planning Proposal Draft Kempsey Local Environmental Plan 2013 – Amendment 27

Thank you for your letter dated 12 March 2019 seeking National Parks and Wildlife Service (NPWS) comment on the above proposed 'housekeeping' amendments to the Kempsey Local Environmental Plan. The opportunity to provide input for the land use zoning proposals which relate to Limeburners Creek National Park and Willi Willi National Park is appreciated.

On review of these proposed rezoning amendments, NPWS advises the following:

- NPWS **objects** to the land use zoning change proposed for **part Lot 8 DP754441** on the following grounds.
 - This portion of land (as shown on Figure 5 of the Planning Proposal) is not yet reserved as part of Limeburners Creek National Park but is surrounded by that park and remains vested in the Minister for the Environment under Part 11 of the *National Parks and Wildlife Act 1974* (NPW Act).
 - It therefore meets the statutory definition of E1–National Parks and Nature Reserves for the purposes of a Local Environmental Plan, as it is land acquired under the NPW Act.
 - Further, it is noted that under Clause 65 of the *State Environmental Planning Policy (Infrastructure) 2007*, any development of this land which is authorised under the NPW Act is development without consent and not subject to Council's planning approval.
- NPWS **recommends** the retention of E1 zoning for the entirety of Lot 8 DP754441 and **supports** the retained E1 zoning for Lot 108 and Lot 186 DP754441.
- NPWS **supports** the proposed land use zoning change, from E3–Environmental Management and RU2–Rural landscape to E1–National Parks and Nature Reserves, for the lands newly reserved as part of Willi Willi National Park, identified under this Planning Proposal as: Lot 1 DP594173; Lots 42, 43 and 49, DP752424; and Lots 113 and 144, DP752431.

NPWS requests Kempsey Shire Council to revise the current Planning Proposal (Amendment 27) to remove the proposed changes to the current E1 land zoning for that part of Lot 8 DP754441 which is acquired but not reserved under the NPW Act.

If you require any additional information on this matter please contact Mr Neil Reckord, Ranger Hastings Macleay Area via email at neil.reckord@environment.nsw.gov.au or phone (02) 6561 6705.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Shane Robinson', written in a cursive style.

SHANE ROBINSON
Area Manager, Hastings Macleay
National Parks and Wildlife Service

Contact officer: NEIL RECKORD
02 6561 6705