



OUR REF: C20/502

20 August 2020

The General Manager
Kempsey Shire Council
PO Box 3078
WEST KEMPSEY NSW 2440
Via email: ksc@kempsey.nsw.gov.au

Dear Mr Milburn

Re: Draft Kempsey Shire Council Local Strategic Planning Statement

Thank you for the providing DPI Fisheries, a division of NSW Department of Primary Industries, the opportunity to provide comment on the draft Kempsey Shire Council Local Strategic Planning Statement (LSPS).

DPI Fisheries has reviewed the draft LSPS in light of the provisions of the *Fisheries Management Act 1994* (FM Act) (namely the aquatic habitat protection and threatened species conservation provisions in part 7 and 7A of the FM Act, respectively) and the Department's *Policy and Guidelines for Fish Habitat Conservation and Management (Update 2013)* (DPI Fisheries P&G) (http://www.dpi.nsw.gov.au/_data/assets/pdf_file/0005/634694/Policy-and-guidelines-for-fish-habitat.pdf) and offers the following comments on the planning priorities within the LSPS:

Theme 1: Healthy Environment

This theme and its associated planning priorities and actions are supported and applauded.

Protecting key fish habitats

The Kempsey Shire LGA contains important sensitive key fish habitat, including tidal areas and freshwater rivers and creeks, and is an important location for commercial and recreational fishing. Key fish habitats are those habitats that are most important for protection and conservation to sustain fish populations and, accordingly, should be mapped as part Action H1.1.

Maps of key fish habitat within the Kempsey Shire LGA can be viewed here: <https://www.dpi.nsw.gov.au/fishing/habitat/publications/pubs/key-fish-habitat-maps>. Kempsey Shire Council can utilise these mapping layers to protect these sensitive waterways and riparian zones for aquatic biodiversity (*Note: revised key fish habitat mapping will be released by DPI Fisheries and provided to Councils in the near future*).

Key fish habitats, particularly freshwater waterways, also provide important biodiversity corridors throughout the region which facilitate the natural movement of other wildlife away from areas of more intense development. The LSPS should recognise that freshwater rivers, creeks and streams are important wildlife corridors that, similar to linear strips of terrestrial vegetation, sustain high biodiversity values, and ensure that protection strategies are developed and implemented for these areas as part of Action H1.2.

Preparation of a Biodiversity Strategy

Preparation of the Biodiversity Strategy should also recognise the threatened species and ecological communities in the region. This should include species listed under the FM Act that occur within the Kempsey Shire LGA. Maps showing the distribution of FM Act listed threatened fish species found within the Kempsey Shire LGA, which can assist with developing planning controls that protect these species, can be found here:

<https://www.dpi.nsw.gov.au/fishing/species-protection/threatened-species-distributions-in-nsw/freshwater-threatened-species-distribution-maps>. The threatened fish species within the Kempsey Shire LGA include Southern Purple Spotted Gudgeon (*Mogurnda adspersa*).

It should be noted that DPI Fisheries has a long standing policy position on avoiding, minimising and offsetting impacts to key fish habitats and these policy positions should be recognised within the Biodiversity Strategy. Details of these policy positions can be found within the DPI Fisheries P&G (*Note: a revised DPI Fisheries offset policy will be released by DPI Fisheries in the near future*).

Preparation of Coastal Management Programs

The Kempsey Shire LGA incorporates a range of important coastal key fish habitats. Coastal Management Programs set the long-term strategy for the coordinated management of the coast and this action is supported and applauded. DPI Fisheries looks forward to continuing to work with Kempsey Shire Council on the development of Coastal Management Programs for the LGA.

Preparing for and adapting to climate change

In adapting to climate change, it will be necessary to identify areas that will be affected by climate change, in particular, climate change-induced sea level rise. Identification of these areas is particularly important for land adjacent to existing tidal areas within the Kempsey Shire LGA, including the large coastal floodplain of the Macleay River. Sea level rise will result in upslope migration of marine vegetation such as salt marsh and mangroves. Areas that will facilitate this upslope migration will need to be protected from development and other pressures to ensure that this process can occur unimpeded. Provision of migration pathways is essential in providing these important coastal vegetation communities with resilience to climate change. This concept should be considered within the development of Coastal Management Programs for the Kempsey Shire LGA.

Theme 2: Wealthy Economy and Theme 4: Safe and Sustainable Housing

A key goal of action S1.1 should be to link with the Biodiversity Strategy (Action H1.2) to ensure the protection of environmentally sensitive areas and other natural environments. In order to protect natural environments, these areas will need to be adequately identified. During the identification process, in addition to identifying areas of moderate and high environmental sensitivity, identification of degraded areas that could be rehabilitated to once again become areas of moderate and high environmental sensitivity should also be a priority, e.g. areas identified in accordance with the NCRP 2036 *Direction 2: Enhance biodiversity, coastal and aquatic habitats, and water catchments*, should be considered. This will ensure that these areas are also protected from future development pressures.



Department of Primary Industries

Actions within Themes 2 and 4 should also consider providing adequate buffers between development and areas of actual and potentially high environmental sensitivity. The DPI Fisheries P&G includes specific information on buffers between development and key fish habitat. These recommended buffer distances should be the minimum buffers that are incorporated into any planned development. New development should be appropriately located to limit any adverse impact on the region's biodiversity, coastal and aquatic habitats and water catchments both now and into the future.

It will be necessary to ensure that new developments are required to implement best practice erosion and sediment control and stormwater management measures, including the principles of water sensitive urban design, to reduce impacts to waterways from the quality, volume and erosive force of stormwater flows.

If you have any questions regarding these comments, please contact me on 02 6626 1375 or jonathan.yantsch@dpi.nsw.gov.au.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Jonathan Yantsch', with a long horizontal flourish extending to the right.

Jonathan Yantsch
Senior Fisheries Manager, Coastal Systems (North Coast)
Authorised delegate of the Minister for Primary Industries