



Our Ref: DOC20/651636

Your Ref: F19/2576

General Manager  
Kempsey Shire Council  
PO Box 3078  
West Kempsey NSW 2440

Attention: Mr Peter Orr

Dear Mr Milburn

**RE: Public Exhibition- Your Future Macleay - Growth & Character Local Strategic Planning Statement**

Thank you for your e-mail dated 11 August 2020 about the public exhibition of the draft Your Future Macleay – Growth & Character Local Strategic Planning Statement (LSPS) inviting comments from the Biodiversity and Conservation Division (BCD) of the Environment, Energy and Science Group in the NSW Department of Planning, Industry and Environment. I appreciate the opportunity to provide input.

The BCD was formerly part of the Office of Environment and Heritage, but now forms part of a Group that has responsibilities relating to biodiversity (including threatened species and ecological communities, or their habitats), National Parks and Wildlife Service estate, climate change, sustainability, flooding, coastal and estuary matters.

On 1 July 2020 Aboriginal cultural heritage (ACH) regulatory functions were transferred from the BCD to Heritage NSW in the Department of Premier and Cabinet. For advice on ACH please contact Heritage NSW at [heritagemailbox@environment.nsw.gov.au](mailto:heritagemailbox@environment.nsw.gov.au).

The BCD provided the Kempsey Shire Council with recommended planning priorities and detailed actions for inclusion in your LSPS in our letter dated 25 October 2019 (previous BCD recommendations). The BCD also offered maps for inclusion in the LSPS in late December 2019, but the council declined this offer advising that your Draft LSPS was already well progressed, noting that the council may seek mapping assistance in the future from relevant government departments for projects identified in the LSPS.

We have reviewed the LSPS and other relevant documents and congratulate the council on creating a unique LSPS that includes many of the previous BCD recommendations. We make the following recommendations to further support and improve the LSPS and these are discussed in detail in **Attachment 1** to this letter.

In summary, the BCD recommends that:

For Planning Priority H1:

1. Include an action to amend the LEP to rezone environmentally sensitive areas and areas of confirmed High Environmental Values (HEV) to an environmental zone, preferably E2 Environmental Conservation.
2. Include an action to create local provisions with associated map overlays in the LEP for areas with other biodiversity values, such as biodiversity corridors.
3. Include an action to implement the Biodiversity Strategy.

For Planning Priority H2:

4. Include an action to implement water quality monitoring and river health programs.
5. Include an action to implement the finalised coastal and estuary management programs.
6. Include an action to promote the enhancement of areas of High Environmental Value and biodiversity corridors on private land through biodiversity stewardship site agreements and conservation agreements.

For Planning Priority H3:

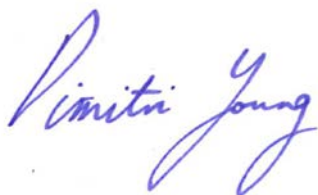
6. Include an action to implement the recommendations of the completed Lower Macleay Flood Risk Management Plan.
7. Consider the regional system transition models as outlined in the North Coast Enabling Regional Adaptation region report (2019) when developing operational policy, undertaking strategic planning, delivering council programs and assessing future infrastructure needs.
8. Amend Action H3.7 to read – Develop (and implement) a strategy relating to sustainability and resilience for our Shire.
9. Include an action to consider the impacts of climate change on biodiversity, such as ecosystem change and species shift, in council's decision making.

For the Character Statements:

10. Include an action in the LSPS to implement the planning priorities and actions in the Character Statements.

If you have any questions about this advice, please do not hesitate to contact Ms Georgia Rayner, Senior Conservation Planning Officer, on 6659 8294 or via [georgia.rayner@environment.nsw.gov.au](mailto:georgia.rayner@environment.nsw.gov.au).

Yours sincerely



8 September 2020

**DIMITRI YOUNG**  
**Senior Team Leader Planning, North East Branch**  
**Biodiversity and Conservation**

Enclosure: Attachment 1: Detailed BCD Comments – Your Future Macleay – Growth & Character Local Strategic Planning Statement.

cc: Mr Peter Cameron, Planning and Assessment Group

## **Attachment 1: Detailed BCD Comments – Your Future Macleay – Growth & Character Local Strategic Planning Statement.**

### Background

The Biodiversity and Conservation Division (BCD) provided the Kempsey Shire Council with recommended planning priorities and detailed actions for inclusion in your LSPS in our letter dated 25 October 2019 (previous BCD recommendations). The BCD also offered maps for inclusion in the LSPS, in late December 2019, but the council declined this offer advising that your Draft LSPS was already well progressed and noting that the council may seek mapping assistance in the future from relevant government departments for projects identified in the LSPS.

We have reviewed the LSPS and other relevant documents on the Your Say Macleay site and the council's website. The LSPS generally contains many of the previous BCD recommendations. We consider that more actions could be added to enhance other actions within the LSPS and to cover more specifically some of the previous BCD recommendations.

### Planning Priority H1 - Deliver growth that does not compromise the Shire's rich biodiversity.

Action H1.1 to identify and map environmentally sensitive areas and land with high ecological values within the Shire. (Short Term). aligns with previous BCD recommendations. We are pleased to see this action included. The BCD may be able to assist the council to implement this action.

A further action could be included in the LSPS to amend the LEP to rezone environmentally sensitive areas and areas of confirmed High environmental values (HEV) to an environmental zone, preferably E2 Environmental Conservation.

For other areas with biodiversity values, such as biodiversity corridors, local provisions with associated map overlays could be included in the LEP.

Action H1.2 is to prepare a Biodiversity Strategy for the Shire. (Short Term). The BCD has previously assisted the council with data and drafting of portions of the Biodiversity Strategy. We recognise the council's continued commitment to the completion of this strategy, which aligns with our previous recommendations for the LSPS.

Once prepared, it is likely that the Biodiversity Strategy will contain actions for implementation, so an action should be included in the LSPS to implement the Biodiversity Strategy.

### *BCD Recommendations:*

1. Include an action to amend the LEP to rezone environmentally sensitive areas and areas of confirmed High Environmental Values (HEV) to an environmental zone, preferably E2 Environmental Conservation.
2. Include an action to create local provisions with associated map overlays in the LEP for areas with other biodiversity values, such as biodiversity corridors.
3. Include an action to implement the Biodiversity Strategy.

### Planning Priority H2 – Rehabilitate and enhance biodiversity, coastal and aquatic habitats, and water catchments

The BCD recognises the inclusion of biodiversity and water quality actions under this planning priority.

Section 8.1.5 of the LSPS acknowledges the importance of the Macleay River and notes that there are several council programs underway to monitor river health and mitigate impacts. Of the four Actions contained in this planning priority there are none specifically related to river health or the council's participation in the Ecohealth program in which the BCD has been a partner. An action should be included to implement programs related to water quality and river health.

The BCD recognise actions H2.1 to H2.4 broadly cover an array of possible biodiversity and coastal management actions consistent with previous BCD recommendations.

Action H2.1 to finalise the coastal and estuary management programs for the Kempsey Shire (Short Term), could be reinforced by the inclusion of an additional action under this planning priority to implement the coastal and estuary management programs once they are finalised.

The council could consider including an action under this planning priority to promote the enhancement of areas of High Environmental Value (HEV) and biodiversity corridors on private land through biodiversity stewardship site agreements and conservation agreements.

*BCD Recommendations:*

4. Include an action to implement water quality monitoring and river health programs.
5. Include an action to implement the finalised coastal and estuary management programs.
6. Include an action under this planning priority to promote the enhancement of areas of High Environmental Value and biodiversity corridors on private land through biodiversity stewardship site agreements and conservation agreements.

Planning Priority H3 – Manage natural hazards and climate change

The BCD recognises the inclusion of climate change, and flood planning actions in the LSPS under this planning priority.

We strongly support Action H3.3 to review and update the council's planning instruments and policies to reflect the recommendations of the Kempsey CBD Flood Risk Management Plan (short term) to ensure that future development is compatible with identified flood hazards. This action aligns with previous BCD recommendations.

Action H.3.4 to complete the Lower Macleay Flood Risk Management Plan of flood prone lands in the Lower Macleay (short to medium Term), would be enhanced by the inclusion of an additional action to implement the recommendations of the completed Lower Macleay Flood Risk Management Plan.

The *North Coast Enabling Regional Adaptation region (NERA) report (2019)* prepared by the Department of Planning, Industry and Environment (DPIE) provides an evidence base for potential vulnerability to the impacts of projected climate change for the North Coast region. This document is relevant to the following actions:

- Action H3.5 – Investigate opportunities to partner with relevant government and non-government agencies to develop hazard and risk management strategies to address natural hazard and climate change impacts (medium term).
- Action H 3.6 – Facilitate community awareness programs to improve community understanding of natural hazards and climate change impacts (short term & ongoing).
- Action H3.7 – Develop a strategy relating to sustainability and resilience for our Shire (Short Term).

The NERA report contains transition models that may be useful to consider when developing operational policy, undertaking strategic planning, delivering council programs and assessing future infrastructure needs. The strategy developed in action H3.7 would be reinforced by adding an action to implement the strategy once developed or by amending action H3.7 to include the implementation of the strategy.

The BCD considers that some of our previous recommendations on climate change may be reflected in the outcomes of actions H3.5 to 3.7. An action should be included to consider the impacts of climate change on biodiversity, such as ecosystem change and species shift, in the council's decision making.

There are numerous resources available to the council to consider when developing policies and strategies, such as the NSW Government's Minimising the Impacts of Extreme Heat: A guide for Local Government, and the Kempsey community emissions snapshot available here <https://snapshotclimate.com.au/locality/australia/new-south-wales/kempsey/>

Further information is also available at <https://climatechange.environment.nsw.gov.au/Adapting-to-climate-change/Local-government/Adaptation-planning>

#### *BCD Recommendations:*

6. Include an action to implement the recommendations of the completed Lower Macleay Flood Risk Management Plan.
7. Consider the regional system transition models as outlined in the North Coast Enabling Regional Adaptation region report (2019) when developing operational policy, undertaking strategic planning, delivering council programs and assessing future infrastructure needs.
8. Amend Action H3.7 to read – Develop (and implement) a strategy relating to sustainability and resilience for our Shire.
9. Include an action to consider the impacts of climate change on biodiversity, such as ecosystem change and species shift, in council's decision making.

#### Planning Theme 2 Wealthy Economy

There are a range of planning priorities and actions detailed under this planning priority. Some of these have links to climate change and the previously referenced NERA report 2019. The council may wish to consider the Food and Agriculture' and 'Tourism' transition models to generate further actions to increase climate readiness transitional.

#### Planning Priority C3 – Develop Healthy, Safe, Socially Engaged and Well-connected communities

This should consider utilising the Urban Design for Regional NSW guidance from the Government Architect NSW to implement a range of urban design and land use planning strategies to create healthy built environments.

#### The Character Statements

The largest portion of the LSPS is comprised of the Character Statements for the various urban areas of Kempsey. The categories of 'We love', 'We value' and 'We will say no to' is a great tool to summarise the character and the planning direction for the various localities within Kempsey. The environment features either in the We love or the We value section for all the localities.

The BCD considers that the place planning priorities and their associated actions from the Character Statements should be incorporated into the LSPS actions. This could be in a broad sense by including an action to implement the planning priorities and actions of the Character Statements. We

consider that this will reinforce the character statements and increase the prospect of better environmental and biodiversity outcomes in the urban localities of the Kempsey Shire.

*BCD Recommendations:*

10. Include an action in the LSPPS to implement the planning priorities and actions in the Character Statements.