



Our Ref: DOC20/783699  
Your Ref: KLEP2013-AM-1, RZ-09-004

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

Attention: Mr Peter Orr, Senior Strategic Planning Officer

Dear Mr Milburn

**RE: Renotification of Planning Proposal – Draft Kempsey LEP 2013 Amendment No 1 – Lot 704 DP749885, Point Plomer Road and a Portion of Lot 707 DP1032859, Crescent Head Road, Crescent Head (KLEP2013-AM-1)**

Thank you for your letter dated 22 September 2020 about the renotification of the Planning Proposal for Lot 704 DP749885, Point Plomer Road and a Portion of Lot 707 DP1032859, Crescent Head Road, Crescent Head, seeking 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. Please note that the BCD no longer comments on Aboriginal cultural heritage matters. Advice on the potential for any impacts on Aboriginal cultural heritage values should be sought from Heritage NSW.

The BCD has reviewed the renotified Planning Proposal and we note and support the following changes:

- expansion of the existing E3 Environmental Management zone (and the Scenic Protection overlay) to include a 50m buffer to the adjoining National Park along the southern boundary of the planning area.
- deletion of the current minimum lot provisions within Clause 4.2D and insertion of new provisions requiring a vegetation management plan (prepared to the satisfaction of the Kempsey Shire Council and the Biodiversity and Conservation Division) to be in place over the E3 Environmental Management zone prior to development consent being granted for the proposed future subdivision of the planning area.
- Extension of the minimum lot size of 40 ha to cover the small areas to now be zoned E3 and RU2 Rural Landscape.

For the vegetation management plan (VMP), the BCD recommends this includes:

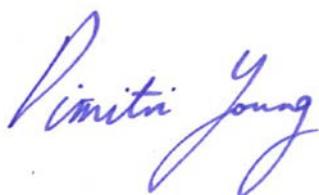
- a. objectives that protect and manage the land zoned E3 Environmental Management for the purposes of environmental conservation.
- b. specific reference to the biodiversity values of the E3 land, including as habitat for the threatened Squirrel Glider, and how these values (such as den and other hollow bearing trees) will be protected.
- c. clear and prescriptive actions that include timeframes, responsibilities, measurable targets and reporting requirements.
- d. maps of management areas that include descriptions, such as weed condition and the associated management requirements such as weed control, assisted regeneration and revegetation.
- e. measures for feral animals such as foxes and wild dogs, including specific actions, timeframes and responsibilities
- f. measures for managing impacts of the residential development on the adjoining Goolawah National Park in accordance with the *Development adjacent to National Parks and Wildlife Service lands Guidelines for consent and planning authorities* (DPIE 2020)
- g. details of how access into the E3 area will be managed or restricted, including details of fencing to be installed and the timing for installation
- h. details that describe the location and extent of revegetation works, including species to be planted, maintenance and replacement requirements for any lost plantings
- i. implementation of the VMP to be in perpetuity.

To ensure that responsibility for the implementation of the VMP is clear and continues with changes to land ownership, we recommend at subdivision stage that a residential lot be attached to the land zoned E3. Advice on the VMP requirement should be included on the land under section 10.7 Planning Certificate of the *Environmental Planning and Assessment Act 1979*.

It is not known if there is an existing dwelling entitlement for either Lot 704 DP749885 or Lot 707 DP1032859. At subdivision stage, the council should ensure that any dwellings will be located on land that is zoned R1. No dwelling should be enabled to be permitted on the E3 zoned land or flood prone land.

If you have any questions about this advice, please do not hesitate to contact Ms Rachel Lonie, Senior Conservation Planning Officer, at [rachel.lonie@environment.nsw.gov.au](mailto:rachel.lonie@environment.nsw.gov.au) or 6650 7130.

Yours sincerely



9 October 2020

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