Kempsey Shire Local Growth Management Strategy

Scenic Protection Layer Review

22nd June 2022

Prepared for and in association with:

PSA Consulting

Level 1, 270 Adelaide Street Wickham Street

Brisbane,

Qld 4000

Australia

T +61 7 3220 0288

F +61 7 3553 2050

ABN 83 109 836 197

Prepared by:

LatStudios Pty Ltd

Level 5,

262 Adelaide Street,

Brisbane,

Qld 4000

T +61 7 3236 1086

info@latstudios.com.au

ABN 47 141 969 940

Document register

Project:	Kempsey Shire Local Growth Management Strategy
Project Number:	21096.01
Report Title	Local Character Statement Review
Document ID	21096.01_Scenic Amenity Layer_Preliminary Review [G]_Issue.docx
Prepared by:	Georgina Pratten (Associate) BDes(L'scapeArch)(Hons) AILA
Reviewed by:	Wendy Davies (Practice Director) BSc(hons) DipLA CMLI AILA
Distribution:	Electronic Copies to: Kate Burke, PSA Consulting – Project Manager Peter Orr, Kempsey Shire Council – Senior Strategic Planning Officer

Revision	Revision Detail / Status	Date	Approved
A	Draft Report	16/09/21	Wendy Davies Practice Director
B	Revised Report	07/03/22	Wendy Davies Practice Director
C	Revised Report	18/03/22	Wendy Davies Practice Director
D	Final Draft	20/05/2022	Wendy Davies Practice Director
E	Final Draft	24/05/2022	Wendy Davies Practice Director
F	Final Draft	01/06/2022	Wendy Davies Practice Director
G	Final Draft	22/06/2022	Wendy Davies Practice Director

This document has been prepared solely for the benefit of PSA Consulting and is issued in confidence for the purposes only for which it is supplied. Unauthorised use of this document in any form whatsoever is prohibited. No liability is accepted by LatStudios, any employee, contractor or sub-consultant of this company with respect to its use by any other person. This disclaimer shall apply notwithstanding that the document may be made available to other persons. This document has been prepared based on the Client's description of its requirements and LatStudios' reasonable professional experience, knowledge and assumptions. LatStudios has prepared this report on the basis of information provided by PSA Consulting and others who provided information to LatStudios, which LatStudios has not independently verified or checked beyond the agreed scope of work. LatStudios does not accept liability in connection with such unverified information, including errors and omissions in the report which were caused by errors or omissions in that information.

ACKNOWLEDGEMENT

We acknowledge the land of the Thunggutti/Dunghutti Nation. We pay respect to Elders past and present. We acknowledge the role of emerging leaders to continue to guide us in the future. We acknowledge the Stolen Generations and the need to change practices to be inclusive. This land always was and always will be Thunggutti/Dunghutti land.

It is noted that where possible and informed by publicly available information, Thunggutti/Dunghutti language and place names have been incorporated into this study.

Contents

Executive Summary 1

1. Introduction 2

1.1. Methodology 2

Background Review 2

Field Study and Limitations 3

2. Background review 4

2.1. NSW State policy 4

Coastal Design Guidelines for NSW (2003) 4

Transport for NSW Guideline for landscape character and visual impact assessment Environmental Impact Assessment practice note EIA-N04 (2020) 4

Beyond the Pavement (2020) 4

State Environmental Planning Policy (Resilience and Hazards) 2021 4

2.2. Regional policy 5

North Coast Regional Plan 2036 (2017) 5

Mid North Coast Regional Strategy 2006-31 (2009) 5

2.3. Local planning and policy 7

Macleay Valley 2036: Community Strategic Plan (2017) 7

Draft Community Strategic Plan, 2042: Your Future (2022) 7

Your Future Macleay – Growth and Character (2020) 8

Kempsey Local Environmental Plan 2013 9

Kempsey Development Control Plan DCP 20132013 (Kempsey Shire Council, 2013) 13

2.4. Other background documents, guidelines and strategies 14

3. Kempsey Shire regional context 15

3.1. World Heritage landscapes 15

3.2. Protected Areas 16

3.3. Aboriginal cultural heritage values 17

4. Community values and views towards scenic landscapes 18

4.1. Local Housing Strategy Survey (Kempsey Shire Council, 2022) 18

Kempsey Shire Council Community Research (Micromex, 2020) 18

4.2. Community Catchup Reports 18

4.3. Cultural associations 19

5. Appreciation of visual values and visual exposure 21

5.1. Scenic lookouts 21

5.2. Scenic routes 23

5.3. Viewsheds 25

6. Current mechanisms for the protection of scenic amenity values within the Kempsey Shire 26

6.1. Summary of current scenic amenity values protected by the KLEP 2013 ... 28
6.2. Assessment of current applications under existing Scenic Protection Land Mapping ... 29
7. Scenic protection layer review ... 30
7.1. Limitations of the current mapping ... 30
7.2. Recommendations ... 30
Review and update the current extent of scenic amenity mapping overlay ... 30
Forested and rural mountains, hills and ridgelines ... 31
The Yarrahapinni Hills ... 31
O'Connors Hill ... 32
Arakoon Foothills ... 33
South Kempsey Hills and Verges Creek Forests ... 34
Bellbrook Hills ... 35
Willawarrin Hills ... 36
Other hinterland landscapes ... 37
Coastal beaches, dunes, cliffs and headlands (including karst landscapes) ... 38
Coastal cliffs and headlands along the Macleay Valley Coastline ... 38
Beaches and dunal systems ... 40
Rivers and waterways ... 41
Macleay River ... 41
Belmore River ... 42
Maria River ... 43
The Macleay Arm ... 43
South West Rocks Creek (Back Creek) ... 44
Saltwater Creek ... 45
Korogoro Creek ... 45
Rural and natural floodplains and wetlands ... 46
Low-lying swamps, wetlands and rural landscapes ... 46
7.3. Summary of recommendations ... 47
Review and update the requirements of the DCP 2013 ... 48
Preparation of a landscape strategy for Kempsey Shire ... 48
Continue to support scenic routes and lookouts ... 48
8. Objective criteria for scenic amenity values and development ... 49
8.1. How do other Local Governments manage scenic amenity? ... 49
8.2. Kempsey Shire Objective Criteria for Scenic Amenity Values and Development ... 51
9. Conclusions ... 52
References ... 53
Appendix I: Supporting GIS figures

Acronyms

DCP 2013	Kempsey Development Control Plan 2013
DPIE	Department of Planning and Environment
GIS	Geographical Information Systems
km	Kilometres
Council	Kempsey Shire Council
KLEP 2013	Kempsey Local Environmental Plan 2013
LGA	Local Government Area
LSPS	Local Strategic Planning Statement
m	Metres
NSW	New South Wales
NCRP	North Coast Regional Plan 2036
RMS	Roads and Maritime Services
SEPP	State Environment Planning Policy

Key term definitions

Amenity	The pleasantness of a place as conveyed by desirable attributes including visual, noise, odour etc.
Geographic information System (GIS)	A framework for gathering, managing and analysing data using location information to reveal deeper insights to help users make smarter decisions.
Impact	The categorisation of effects. Legislative context is considered in defining impacts and their significance.
Landscape	Landscape is an all-encompassing term that refers to areas of the earth's surface at various scales. It includes those landscapes that are: urban, rural, and natural; combining bio-physical elements with the cultural overlay of human use and values.
Landscape character	The distinctive, recognisable and consistent pattern of physical elements within a landscape, which when combined, give a setting its sense of place and make one landscape different from another. Multiple physical elements include terrain, vegetation, bodies of water, cultural modifications and atmospheric conditions.
Landscape feature	A component, part or feature of the landscape that is visually prominent or eye-catching or valued e.g., hills, buildings, vegetation.
Local Environmental Plan (LEP)	LEP is a form of EPI made under the EP&A Act. It is the principal legal document for controlling development at the council level. The LEP is the primary land use planning mechanism that influences character. The land use zones, objectives and development standards establish the context for decision making on individual developments which shape local character. Accordingly, where an area has been identified as requiring a stronger consideration of local character, the LEP should be reviewed to ensure that it delivers on the community's desired future character.
Local strategic planning statements (LSPS)	A document prepared by each council, setting out the 20-year vision for land-use in their local area, the special character and values that are to be preserved and how change will be managed into the future. They include actions in the regional and district plans, Council priorities from the Community Strategic Plan, and ultimately shape how the development controls in the LEP evolve over time.
National Park	An area dedicated under the National Parks and Wildlife Act 1974 No 80.
Scenic amenity	A measure of the relative contribution of each place in the landscape to the collective appreciation of open space as viewed from places that are important to the public. (Department of Natural Resources, 2001).
Scenic protection area	Land that has been identified where protection and enhancement of the natural, visual, environmental and heritage qualities is required.
State Environment Planning Policy	A form of EPI under the *EP&A Act Environmental Planning & Assessment Act* to make provision with respect to any matter that, in the opinion of the Minister, is of State or regional environmental planning significance, or is of environmental planning significance to a district in the Greater Sydney Region.
State Forest	Land dedicated under the Forestry Act 2012 No 96 which provide for the permanent reservation of forest for producing timber and other forest products (e.g. quarry materials), protecting watersheds, and having regard to conserving water and soil quality. State forests are the property of the Crown.

Amenity	The pleasantness of a place as conveyed by desirable attributes including visual, noise, odour etc.
Values	Any aspect of landscape or views people consider to be important. Landscape and visual values may be reflected in local, State or federal planning regulations, other published documents or be established through community consultation and engagement, or as professionally assessed.
View	Any sight, prospect or field of vision as seen from a place, and may be wide or narrow, partial or full, pleasant or unattractive, distinctive or nondescript, and may include background, mid ground and/or foreground elements or features.
Viewshed	The extent of the geographical area visible from a specific location, excluding areas where visibility is limited by topography, vegetation, built form structures, and, at long distances, the curvature of the earth.
Visual quality	The attractiveness of a scene or view.
Scenic amenity	A measure of the relative contribution of each place in the landscape to the collective appreciation of open space as viewed from places that are important to the public (QLD Department of Natural Resources, 2001).
Scenic protection area	Land that has been identified where protection and enhancement of the natural, visual, environmental and heritage qualities is required.

Executive Summary

The scope of this study was to review the existing provisions for the protection of scenic amenity values in the Kempsey Shire in New South Wales (NSW), determine whether the extent of the existing 'Scenic Protection Area' mapping is still appropriate and provide objective criteria and recommendations for applying this mapping layer.

Whilst almost half of the Kempsey Shire, including areas identified as having high scenic amenity value are located within protected areas (such as national parks) or protected by the provisions of the State Environmental Planning Policy (Resilience and Hazards) 2021 (SEPP 2021), the findings of this review have concluded that the current *Scenic Protection Land Map* and provisions of the Kempsey Local Environmental Plan 2013 (KLEP 2013) and Kempsey Development Control Plan 2013 (DCP 2013) do not adequately identify and protect other areas considered to have high scenic amenity value that contribute to the character of the shire.

Therefore, a key recommendation of this review is for Council to update the current extent of mapped areas on the *Scenic Protection Land Map,* to include additional areas that have been identified in this review, and any additional areas identified by the community through future consultation, as having 'high scenic amenity value'.

Areas identified in this report have been determined through targeted fieldwork undertaken for this study which was informed by desktop assessment, and recommendations have been provided for the inclusion of these areas within 'Scenic Protection Area' mapping to better represent and more consistently enable the ongoing protection of areas identified as having high scenic amenity value in planning and policy documents. Broadly, the following areas have been identified as having high scenic amenity value within the Kempsey Shire:

+ Forested and rural mountains, hills and ridgelines
+ Coastal beaches, dunes, cliffs and headlands (including karst landscapes)
+ Rivers and waterways
+ Rural and natural floodplains and wetlands.

It is noted that due to the limitations of this review and scope of this study, there may be additional areas of unmapped scenic amenity value within the Kempsey Shire not identified within the recommendations of this report that are worthy of protection on account of their scenic value (e.g. in remote, rural areas). However, the identification of these areas would be subject to community inputs and detailed scenic amenity studies, and it is currently considered unlikely that these areas would be subject to development pressures that may impact their visual and landscape values.

Other recommendations of this review include to:

+ Remove areas contained in the *Scenic Protection Land Map* that no longer contain elements considered to have high scenic amenity value (e.g. where development has occurred, or vegetation has been removed).
+ Review and update the requirements of the DCP 2013 to address community concerns regarding development impacts on scenic amenity values, particularly within the coastal settlements of South West Rock, Crescent Head and Hat Head.
+ Prepare a landscape character assessment in order to prepare a Landscape Strategy for the Kempsey Shire to guide future development outcomes.
+ Continue to support investment in scenic routes and lookouts that provide opportunities to enjoy the landscape.

The findings and recommendations of this review will need to be considered by Council, who will determine how these recommendations will be considered, addressed or implemented (e.g. through an amendment to the DCP, or the introduction of a new strategy etc.) to ensure the ongoing protection and management of potential impacts on the significant visual values of the Kempsey Shire.

1. Introduction

This report comprises a review of the existing provisions for the protection of scenic amenity values in the Kempsey Shire in New South Wales (NSW), review of the planning and policy context and previous community consultation outcomes, analysis of the appropriateness of the extent of the existing 'Scenic Protection Area' mapping and provides objective criteria and recommendations for applying this mapping layer.

A key limitation of this study and the review of the current provisions within the KLEP 2013 and extent of mapping shown on the *Scenic Protection Land Map* is the lack of historical information available on the methodology and approach that informed the development of the existing 'Scenic Protection Area' mapping layer. It is understood that the current 'Scenic Protection Land' overlay was informed by the '7 (d) Scenic Protection Zone' identified in the previous *Kempsey Local Environment Plan 1987*. Whilst some parts of the previous zone '7 (d) Scenic Protection Zone' have been included within the current 'Scenic Protection Land' layer, many parts of this zone were excluded for reasons that are now unclear.

As such, a key issued identified with the current mapping is that it does not identify scenic amenity values associated with other zones identified in the previous and current KLEP 2013, or other areas identified within the DCP 2013 as having scenic amenity values requiring protection. The protection of scenic values associated with natural environmental features is also note identified as a key objective.

Whilst this report seeks to identify areas of scenic amenity value that are currently unmapped and should be included within the 'Scenic Protection Area' mapping on account of their high scenic value, it is acknowledged that a fully comprehensive scenic amenity study has not been undertaken as part of this project. As such, no GIS analysis, visual exposure mapping or community consultation on scenic preference values has been undertaken, and therefore the mapping of the extents of these areas was not included within the scope of this study.

In addition, due to the somewhat subjective nature of scenic preference and scenic amenity values, there may be the need for the preparation of site-specific scenic amenity assessments prepared by a qualified landscape architect or planner experienced in identifying scenic amenity values to support development applications to assist Council in its determinations in areas identified within the 'Scenic Protection Area' mapping layer and the recommendations of this report.

1.1. Methodology

BACKGROUND REVIEW

A desktop analysis of the existing landscape character and visual values of the Kempsey Shire and the current extent of provisions supporting scenic amenity values was undertaken to inform this report. The desktop analysis comprised the review of state, regional and local planning policies, guidelines and documents, previous community consultation outcomes. Information sources that have been identified and reviewed through the desktop analysis include:

+ Relevant state, regional and local planning and policy documents and guidelines
+ Online mapping platforms including NSW Planning Portal (NSW Government, 2020), National Map (Australian Government, 2021), Google Earth and other publicly available GIS data online
+ Publicly available information on recreation spaces, public visitor areas, scenic routes, lookouts and tourism attractions and cultural values associated with the landscapes of the Kempsey Shire (including brochures and materials obtained during fieldwork).

The findings of this review are included below.

FIELD STUDY AND LIMITATIONS

As part of this study and in conjunction with the Local Character Statement review, one six-day field visit to assess the existing scenic amenity and landscape and urban character values of Kempsey Shire area was carried out between 16 January and 21 January 2022. Fieldwork was undertaken by a landscape planner with extensive experience in landscape planning fieldwork investigations accompanied by a landscape architect.

The purpose of this fieldwork was to ground truth the findings of the desktop assessment for this study and the Local Character Statement review, and to assess landscape character and visual values of the region in a broad sense to determine if the current mapping was appropriate (i.e. a detailed scenic amenity study and assessment was not undertaken).

It is noted that as fieldwork was undertaken concurrently with fieldwork for the Kempsey Shire Local Character Statement Review, the focus was primarily on the character and landscape setting of the settlements identified in the Kempsey KLEP 2013. Therefore, some parts of the Kempsey Shire were not accessed at the time of the assessment and there may be additional areas identified by the community or future formal scenic amenity studies (if undertaken) beyond those listed in the recommendations section of this report that are worthy of protection on account of their scenic value. However, it is considered that these areas would be anticipated to occur within areas where development is not anticipated, as they are more remote/less accessible and further from settlements experiencing residential growth within the shire.

2. Background review

2.1. NSW State policy

COASTAL DESIGN GUIDELINES FOR NSW (2003)

The Coastal Design Guidelines for NSW (Coastal Council of NSW, 2003) acknowledges the pressure for development along the NSW coastline and notes that managing the growth of settlements is a key factor in protecting the uniqueness and fragility of the natural coastal environment and protecting the character of existing settlements.

The Guidelines provide a local hierarchy of settlements, defining seven coastal settlement types, which can be used to analyse and understand urban development along the NSW coast. The report also identifies key issues and opportunities for each settlement type, including the protection of existing areas of high scenic amenity value that contribute to place character.

TRANSPORT FOR NSW GUIDELINE FOR LANDSCAPE CHARACTER AND VISUAL IMPACT ASSESSMENT ENVIRONMENTAL IMPACT ASSESSMENT PRACTICE NOTE EIA-N04 (2020)

This practice note (NSW Government, 2020) applies to projects which Transport for NSW is seeking determination or approval to proceed, however, can also apply to any transport projects which require an assessment of landscape character impacts and visual impacts. It recognises the importance of landscape character and visual impact assessment to determine impacts on the character and views within a place to ensure a good urban design outcome and provides methodologies for the preparation of both landscape character assessments and visual impact assessments.

BEYOND THE PAVEMENT (2020)

Beyond the Pavement (Roads and Maritime Services (RMS), 2020) is an urban design policy produced by RMS that systematically incorporates urban design thinking into infrastructure projects, with a focus on delivering improved design outcomes and higher levels of community satisfaction.

The key purpose of this policy is to ensure that during construction and operation:

+ Existing landscape and built environment qualities are understood and protected
+ Built projects contribute to the quality of the built environment in urban and rural contexts, and create a legacy for the future
+ The quality of life of local communities is protected or improved in terms of connections, access to facilities, proximity to noise, views, safety and sense of place.

STATE ENVIRONMENTAL PLANNING POLICY (RESILIENCE AND HAZARDS) 2021

The State Environmental Planning Policy (Resilience and Hazards) 2021 (SEPP 2021) aims to manage development within the coastal zone in order to protect environmental assets of the coast, including through the management of potential impacts due to development on visual amenity and the scenic qualities associated with coastal landscapes identified in the SEPP 2021 mapping.

2.2. Regional policy

NORTH COAST REGIONAL PLAN 2036 (2017)

The North Coast Regional Plan 2036 (NCRP) (NSW Government, 2017) identifies the vision for the region as "*the best region in Australia to live, work and play thanks to its spectacular environment and vibrant communities*" and acknowledges the importance of the natural beauty of the environment in enriching the lives of its residents and sustaining a thriving tourism and lifestyle economy.

To achieve this vision, the NSW Government has identified four regionally focused goals:

+ **Goal 1: The most stunning environment in NSW**, acknowledges that "*panoramic coastal and rural landscapes define the distinctive environment, character and lifestyles of this region*".
+ Goal 2: A thriving, interconnected economy.
+ Goal 3: Vibrant and engaged communities.
+ **Goal 4: Great housing choice and lifestyle options**.

These goals are supported by several directions which note that "*the North Coast is known for its diverse rural and coastal landscapes and world-class natural environment*".

Kempsey Shire falls within the Mid North Coast urban growth area as identified in NCRP, and is described as having "*a diverse range of natural landscapes, including; sandy beaches, bays, headlands and rural hinterland, including Hat Head, Arakoon, Limeburners Creek and Goolawah national parks*" (NSW Government, 2017).

Key priorities for the Kempsey Shire identified within the NCRP relevant to the protection of scenic amenity values include to:

+ Identify opportunities to expand nature-based, adventure and cultural tourism by leveraging the area's environmental and iconic assets such as Trial Bay Gaol and Smoky Cape Lighthouse.

MID NORTH COAST REGIONAL STRATEGY 2006-31 (2009)

The Mid North Coast Regional Strategy (the 'Regional Strategy') is the preeminent planning document for the Mid North Coast and complements and informs other State planning instruments. The Regional Strategy will guide sustainable development of the Mid North Coast Region over the next 25 years and aims to:

+ Protect the coast and the character of coastal villages by limiting growth to the agreed growth areas of towns and villages leaving greenbelts between settlements.
+ Limit development in places constrained by coastal processes, flooding, wetlands, important primary industry land and landscapes of high scenic and conservation value.
+ Protect the cultural and Aboriginal heritage values and visual character of rural and coastal towns and villages and surrounding landscapes.

Section 2: Regional Challenges acknowledges that "*if the Mid North Coast is to retain its rich natural assets and opportunities for sustainable development, careful management of its future growth is required*." And identifies the protection and enhancement of environmental assets, including landscape values as a key challenge.

The environment of the Mid North Coast is described as:

> *The Mid North Coast contains a wealth of natural features, resources and landscapes that have provided the foundations for continued steady economic and population growth since early settlement. The Region is made up of a diverse range of landscape elements including coastal plains, escarpments, rivers, estuaries, lakes and a still largely natural coastline. Several of the rainforest national parks have been given world heritage status. The coastal landscapes have long been the main attraction for tourists and are now the areas in demand for settlement.*
>
> *The environmental values of the Region have been recognised through the reservation of more than 20 per cent of the land, totaling around 600 000 hectares, in national parks, wilderness and other conservation reserves, as well as over 1000 Crown reserves and two marine parks. There are also around 700 wetlands protected along the coastal strip under a State environmental planning policy. More than 70 littoral rainforests have been similarly protected under a State environmental planning policy. Outside of these reserved and protected areas extensive amounts of high value vegetation provide habitat for a wide range of species including threatened flora and fauna. It is these values, in particular the significance of the coastal environment, that make the Mid North Coast a special place to be protected.*

Section 4: Settlement and housing identifies four distinct subregions, each with its own major regional centre. The Kempsey Shire is located within the Hastings–Macleay Valley subregion, along with the Port Macquarie-Hastings Shire. Kempsey is identified as a major town that supports the major regional centre of Port Macquarie.

The Regional Plan also identifies South West Rocks as a town, Bellbrook and Frederickton as inland villages and Stuarts Point, Smithtown, Gladstone, Hat Head and Crescent Head as coastal villages.

Key outcomes identified include the following that are relevant to the protection of scenic amenity values in the region:

+ Key environmental and coastal values, such as scenic landscapes, coastal villages and green breaks between settlements will be retained.

Section 5: Settlement character and design notes that "*the Region's towns and villages have developed a distinct character reflecting their historical development in a subtropical and temperate landscape. The coastal villages in particular are valued by the community because of their scenic appeal and lifestyle opportunities. Many of the non-coastal settlements have values and character attributes based on their settings in rural and riverine landscapes*".

Section 6: Economic development and employment growth notes that "*the attractiveness of the Region is dependent on the high quality natural resources and landscape values which underpin tourism. Visitors are also drawn by the coastal character of the settlements*."

Section 7: Environment and natural resources includes actions for the preparation of local environment plans, including the requirement that local environmental plans "***will identify and zone land of landscape value (including scenic and cultural landscapes) to protect those values***."

Key outcomes identified include the following that are relevant to the protection of scenic amenity values in the region:

+ The importance of the Region's natural environment and natural resources to its economy, character, scenery and cultural values is recognised through the planning process and these areas are protected from future urban and rural residential development.

2.3. Local planning and policy

MACLEAY VALLEY 2036: COMMUNITY STRATEGIC PLAN (2017)

The Macleay Valley 2036: Community Strategic Plan (Kempsey Shire Council, 2017) is a broad-ranging document that identifies the long-term aspirations of the community and Council.

The plan describes the Kempsey shire as having '*spacious sandy unspoilt golden beaches, lush rainforests, miles of winding rivers and scenic hinterland*'.

The community plan does not identify specific issues relevant to the protection of scenic amenity values, however living in a healthy environment and the environment being in a healthy state are noted as key priorities under the core value - healthy.

DRAFT COMMUNITY STRATEGIC PLAN, 2042: YOUR FUTURE (2022)

Council is currently preparing the Community Strategic Plan, 2042: Your Future, which notes that '*the Macleay Valley is a place of natural abundance, stunning landscapes, historic settlements, rich character and culture*'.

Whilst the protection of scenic amenity or landscape values is not specifically referenced, several statements allude to the scenic amenity and landscape character values of the region including:

+ *"The Macleay River provides the nutrients, habitat, employment and recreation opportunities, and historical and cultural context for the Shire"*
+ *"Our Shire is a diverse region, comprising mountain and forested areas, open farmlands, urban areas, coastal beaches and seaside towns"*
+ *"The Macleay River is the artery of our community that meanders through rural and urban areas."*

The draft plan includes four focus areas that contain some relevant goals and objectives.

The ***Enhancing and protecting our natural and built environment*** focus area seeks to:

+ Restore and maintain the quality of our waterways
+ Value and protect our natural assets, our agricultural land, the wildlife and ecosystems
+ Use building controls that recognise the character and existing natural and cultural assets
+ Collaborate with industry and the community to balance the environmental, social and economic needs of present and future generations.

The ***Creating and celebrating a supportive, connected community*** focus area identifies 'strong physical and emotional connections boost our quality of life' as a key goal to work towards and includes specific objectives to:

+ Maintain a sense of place in our towns and villages, while responding to change.
+ Acknowledge and celebrate the Macleay River in defining our identity and connections.

YOUR FUTURE MACLEAY – GROWTH AND CHARACTER (2020)

Your Future Macleay – Growth and Character is a Local Strategic Planning Statement (LSPS) (Kempsey Shire Council, 2020) that sets a 20-year vision for land use in the Kempsey Shire and:

+ Identifies the special characteristics which contribute to the local identity
+ Recognises shared community values to be maintained and enhanced
+ Identifies how growth and change will be managed into the future.

The primary purpose of the LSPS is to provide the basis for, and the delivery of, strategic planning in a local area. It is the link between the NSW Government's regional plans (including the North Coast Regional Plan 2036) and a Council's local plans. The LSPS is the key document informing the strategic direction of land-use planning at the local level.

The LSPS describes the Kempsey Shire as:

"The Macleay Valley is a place of natural abundance, stunning landscapes, historic settlements, rich character and culture.

Flowing down from the Great Dividing Range, through the floodplains to the Pacific Ocean, the Macleay River provides the nutrients, habitat, recreation opportunities, and the historical and cultural context for the Shire.

Our principal settlements are typically located beside the banks of the river and along the coastline. These settlements are generally of a scale where there are strong community ties and the distances between our settlements are manageable."

Part B – Our Future Macleay identifies a 20-year local strategic vision for growth and development in the Macleay Valley comprises the following principles relevant to this study:

+ Our natural amenity and coastal and rural environments are valued and provide a landscape and character that attract new residents and are the reason people want to stay in the Macleay Valley.
+ Our built environment will retain the important aspects of local character that give us a sense of place.
+ Our heritage and culture will be valued and evident in our streets, public spaces and surroundings.

Theme 3 – Connected Communities acknowledges that "*the Dunghutti and Thungutti People have lived for millennia on the land that forms the Kempsey Shire — across the Saltwater coastal areas, the Freshwater Country upstream and the Mountain Country to the west. The Aboriginal cultural heritage of the Kempsey Shire is timeless, rich and diverse with numerous ancient sites across the landscape that include camp sites and boras through to landscape-scale sites such as the Stuarts Point – Clybucca Midden*."

The LSPS also acknowledges that "*Aboriginal cultural heritage is not static; it is dynamic and living across the landscape and in the towns and villages, and in the homes and settlements of the community, in the language and the traditions the Elders keep."*

Part E – Our character provides interim character assessments for the key settlements within the Kempsey Shire. Many of these statements include references to the scenic amenity values and landscape character that contribute to the local place character of each town and village. This is particularly relevant to coastal towns.

KEMPSEY LOCAL ENVIRONMENTAL PLAN 2013

The *Kempsey Local Environmental Plan 2013* (the 'KLEP 2013') contains local environmental planning provisions in accordance with the relevant standard environmental planning instrument under section 3.20 of the Environmental Planning and Assessment Act 1979.

A key aim of the Plan is to *'ensure that development does not detract from Kempsey's landscape and scenic values'*.

The Plan acknowledges the landscape character and scenic amenity values of the Kempsey region, including those associated with rural areas, natural areas, foreshores and karst landscapes. The protection of these identified values is addressed through the determination of land use zones and their associated objectives and permitted uses (refer **Figure 1-5**). Relevant zones and associated objectives relevant to the protection of scenic amenity and landscape values include:

+ Zone RU1 Primary Production
  - To maintain the rural and scenic character of the zone.
  - To encourage eco-tourist facilities and tourist and visitor accommodation that minimise any adverse effect on primary industry production and scenic amenity of the area.
  - To encourage development that is compatible with the character of the zone.
+ Zone RU2 Rural Landscape
  - To maintain the rural landscape character of the land.
+ Zone R5 Large Lot Residential
  - To provide residential housing in a rural setting while preserving, and minimising impacts on, environmentally sensitive locations and scenic quality.
+ Zone C2 Environmental Conservation
  - To protect, manage and restore areas of high ecological, scientific, cultural or aesthetic values.
+ Zone C3 Environmental Management
  - To protect, manage and restore areas with ecological, scenic, cultural or aesthetic values.
  - To conserve the scenic quality and natural characteristics of foreshore land.
  - To conserve the environmental and scenic quality of 'visually significant land'.
+ Zone C4 Environmental Living
  - to provide for low-impact residential development in areas with special ecological, scientific or aesthetic values
  - to ensure that residential development does not have an adverse effect on those values
+ Zone W1 Natural Waterways
  - To protect the ecological and scenic values of natural waterways.
+ Zone W2 Recreational Waterways
  - To protect the ecological, scenic and recreation values of recreational waterways.
  - To permit extractive industries where such development will not significantly diminish the ecological, scenic and recreation values of the zone.

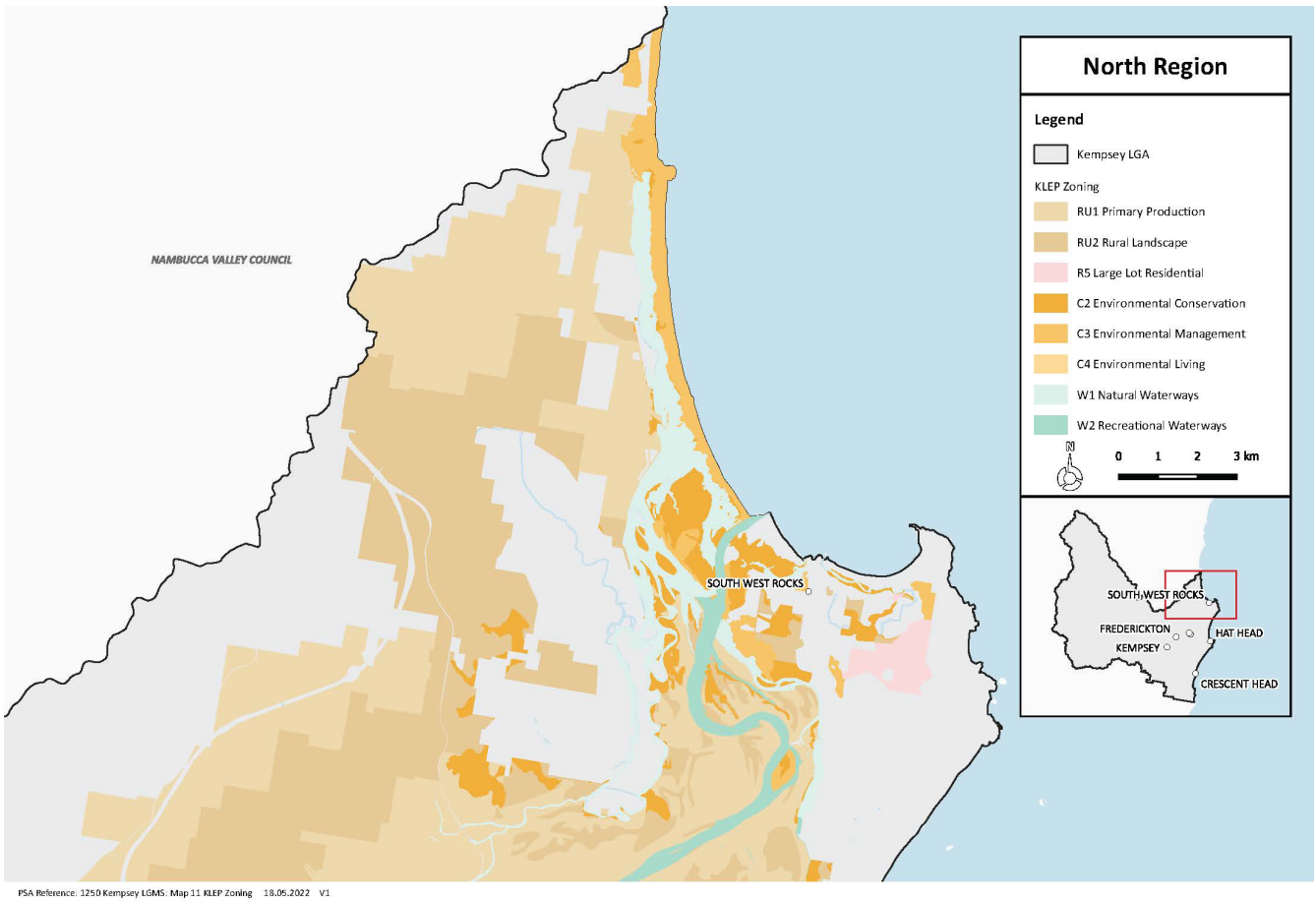

Figure 1: Zoning - North Region

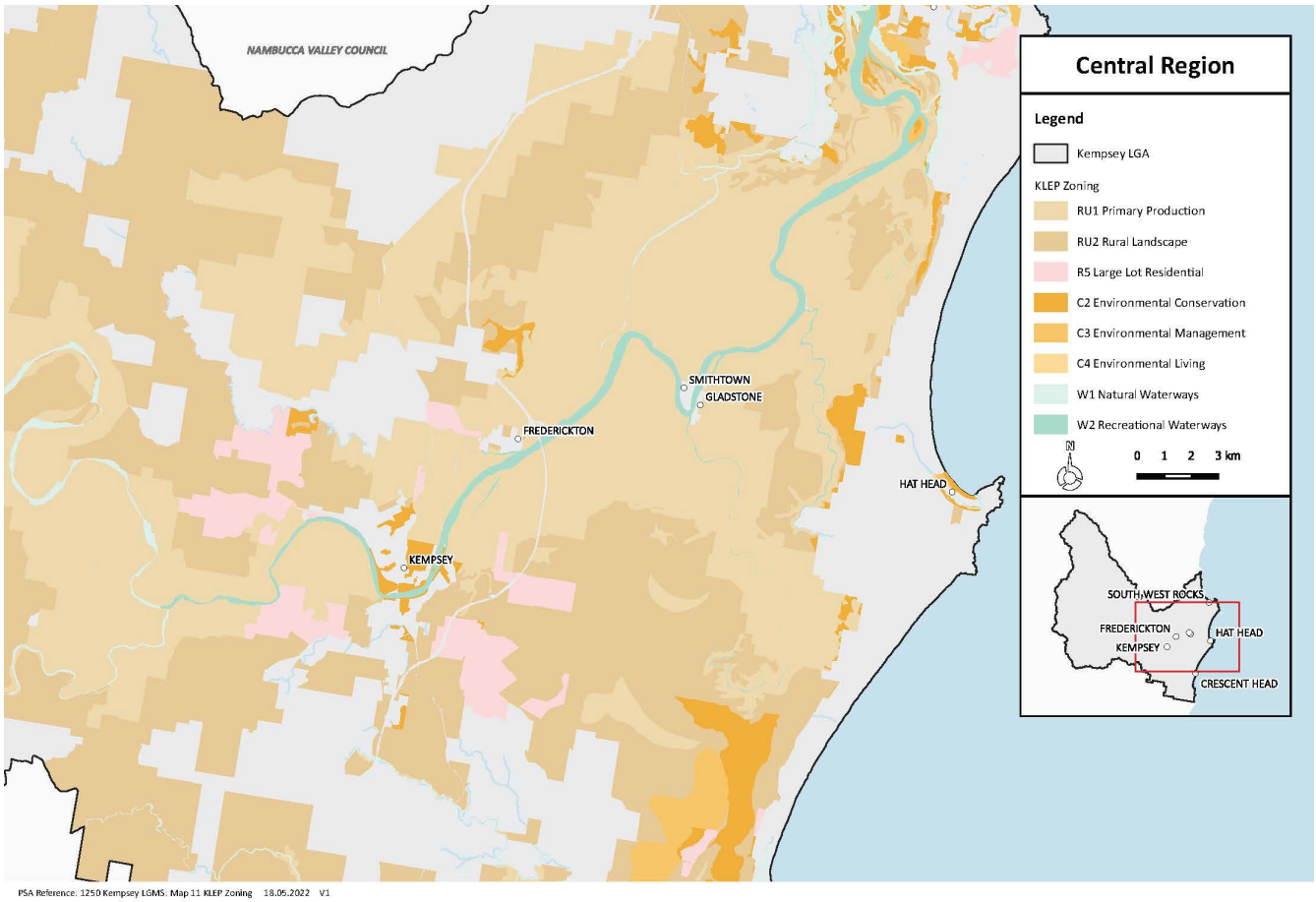

Figure 2: Zoning - Central Region

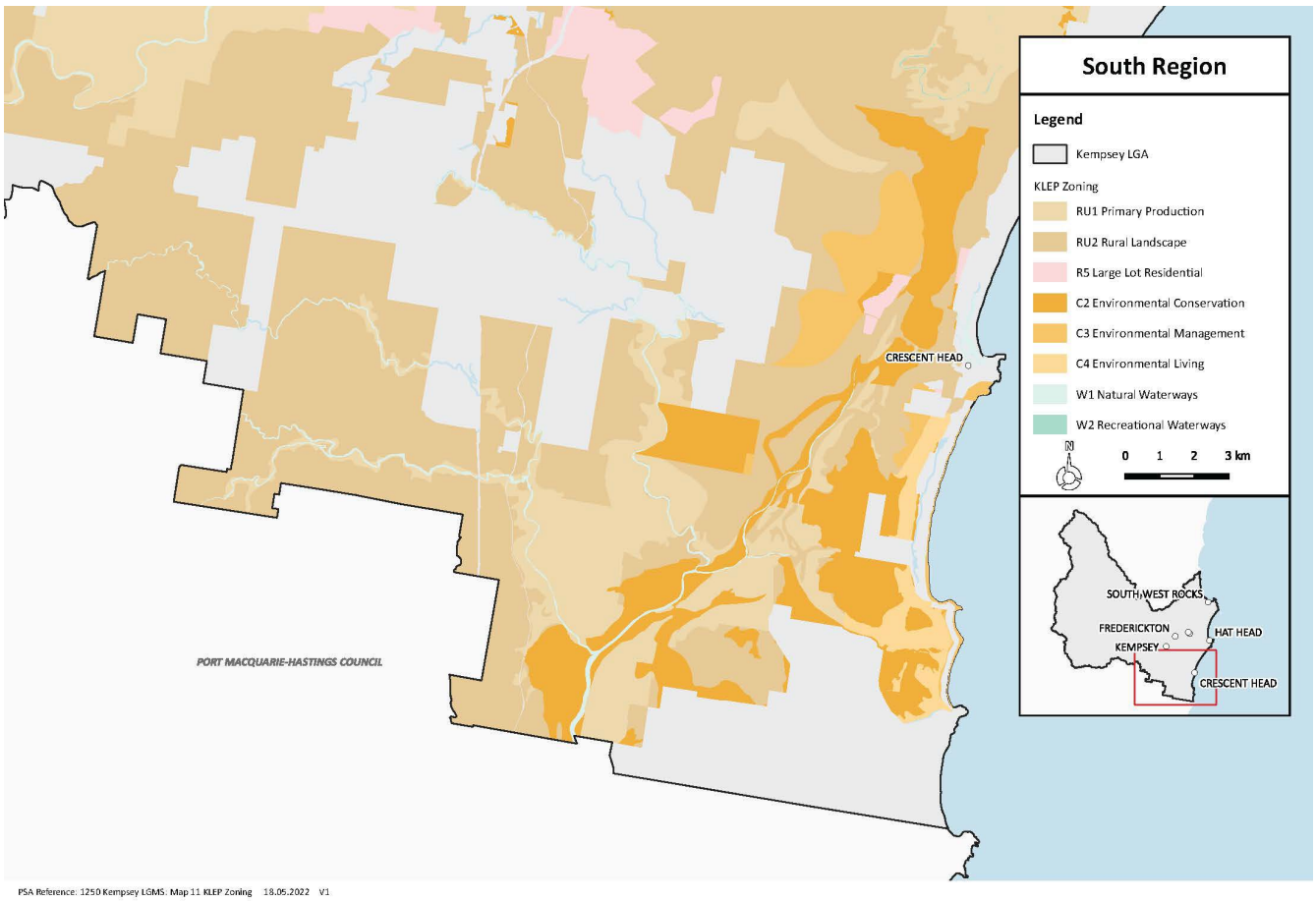

Figure 3: Zoning - South Region

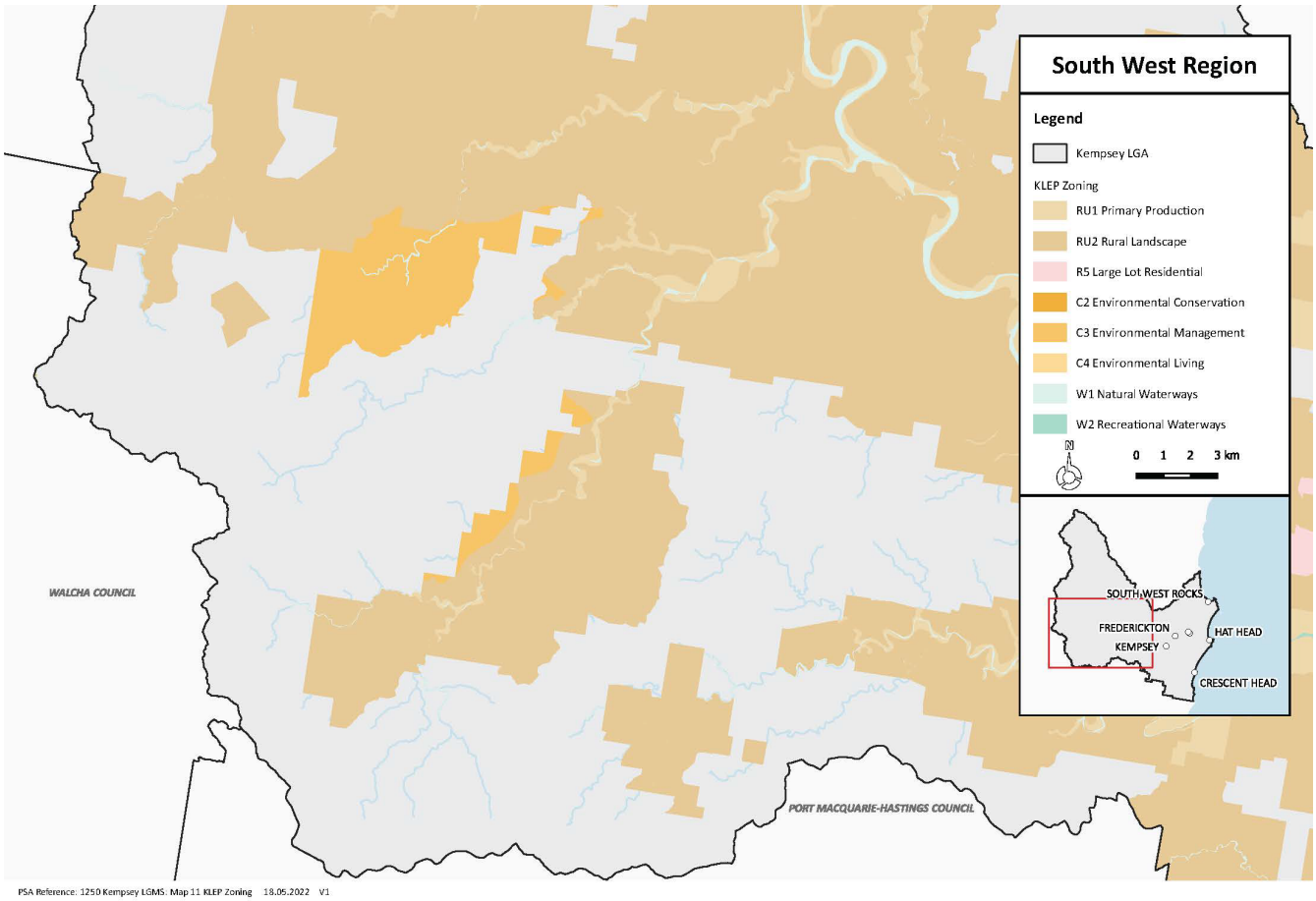

Figure 4: Zoning - South West Region

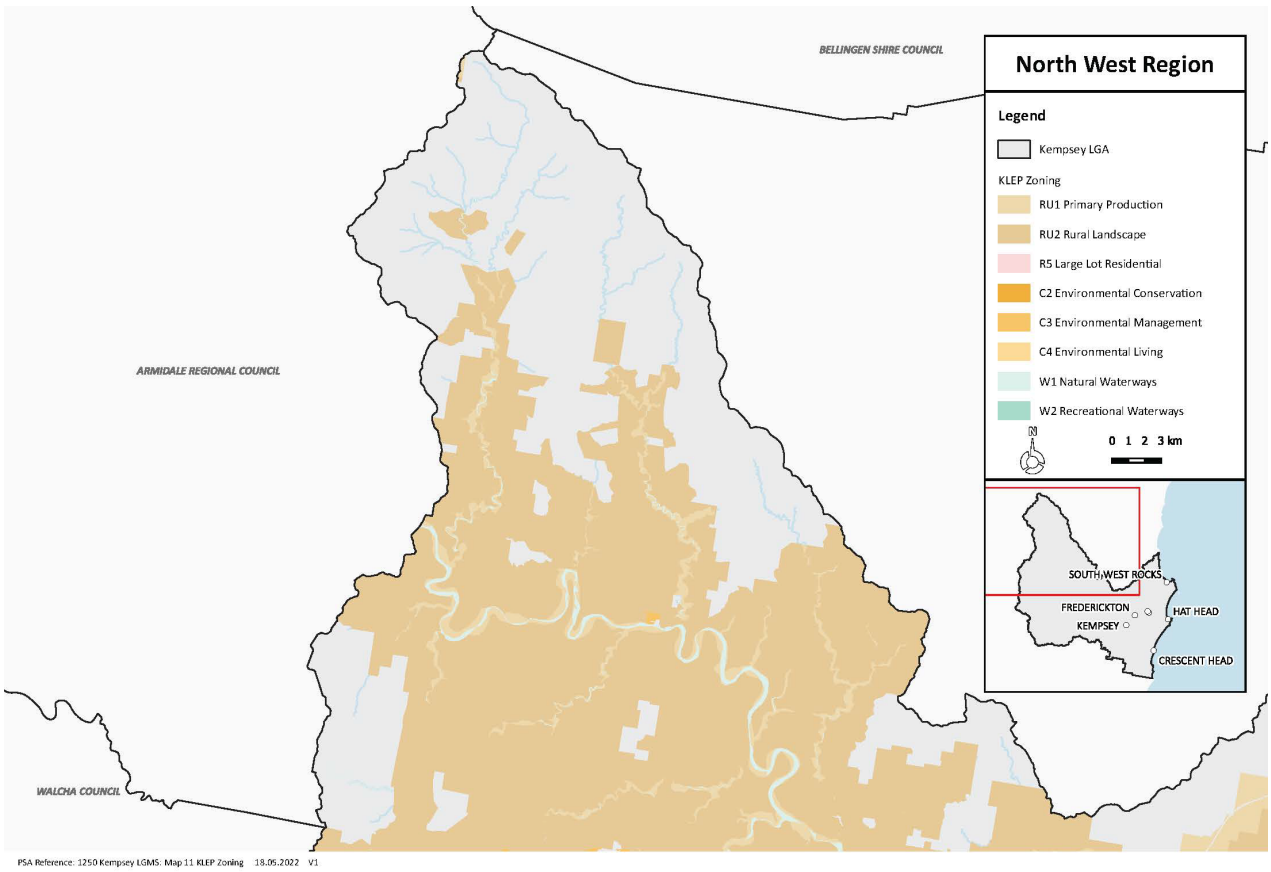

Figure 5: Zoning - North West Region

KEMPSEY DEVELOPMENT CONTROL PLAN DCP 20132013 (KEMPSEY SHIRE COUNCIL, 2013)

Kempsey Development Control Plan DCP 2013 2013 (DCP 2013) supports and expands on the aims, objectives and other provisions of the KLEP 2013 and sets out development objectives and contains detailed provisions for development in the Kempsey Local Government Area (LGA).

A key objective of the DCP 2013 is to '*to ensure that development does not detract from Kempsey's high landscape or scenic values*'. The DCP 2013 contains many references and controls relating to the protection of scenic amenity values, including the following specific requirements for various areas noted below:

Chapter D4: Old School Site

This chapter applies to all development on land located at Lots 233 and 317 DP 754396 (No.19) Gregory Street in South West Rocks and notes that clearance of vegetation within the Scenic Protection Area should be kept to a minimum to protect the 'collective' value of these trees

Chapter D5: Crescent Head Urban Investigation area

This chapter applies to all development on land located at Lot 704 DP 749885 and part Lot 707 DP 1032859 in Crescent Head and notes that development must – Support the objectives of the *C3 Environmental Management zone* and the objectives of clause 7.6 *Protection of scenic character and landscape values* under the KLEP 2013 applying to the land.

Chapter E1: Dhalkunggayi (Dulconghi) Heights

This chapter applies to all development on land situated at Neville Morton Drive, Crescent Head, located within Zone R5 and includes DO1 which states that *"Development is of a low-scale and a low-impact nature (being development that does not have a significant negative impact on the ecology of its location, or on the character, amenity or scenic value of the area)".*

Chapter E3: Point Plomer Road Precinct

Chapter E3: Point Plomer Road Precinct includes the following key objectives relevant to this study:

+ To minimise the negative impacts of all new development.
+ To enhance the natural character and identity of the Point Plomer Road Precinct.
+ To protect and enhance the area's natural beauty, low key scale and significant flora and fauna communities and habitat.
+ To ensure development satisfies the principles of ecologically sustainable development having regard to environmental, social and economic impacts, intergenerational equity and the precautionary principle.
+ To protect existing residential amenity.

The scenic amenity values of the Point Plomer Coastline are acknowledged in Section 3.1 Character and Low Key Scale includes DO1 which states that "*Development is of a low-scale and a low-impact nature (being development that does not have a significant negative impact on the ecology of its location, or on the character, amenity or scenic value of the area)*".

Section 3.6 Visual Amenity and Landscape also includes DO1 which states that "*Development does not adversely affect the visual amenity or landscape setting of the Point Plomer Road Precinct*".

DO1 includes several development requirements and notes that Council may require the submission of a visual impact assessment, including photomontages from various vantage points, to demonstrate that the proposed development will not have an adverse impact on the visual amenity and landscape setting of the Point Plomer Road Precinct.

In addition to the above, scenic values in South West Rocks are noted in Chapter B13: Heritage Areas/Development, which applies to all development on or in the vicinity of Heritage Listed Items and within Heritage Conservation Areas/Heritage Precincts within the Kempsey LGA which states that:

"South West Rocks has a spectacular setting. It is a compact village set in a surround of natural scenic beauty. It has strong physical and visual links to the ocean, creeks, relatively unspoilt coastline, Macleay Valley and mountains to the west."

Chapter F1: Stuarts Point

This chapter applies to all development on land within the area of Stuarts Point village located within Zone RU5 and Zone IN1 and notes that "*A strip not less than 25 metres wide running parallel to Grassy Head Road is to be set aside as a scenic/visual buffer*".

Chapter F2: Hat Head

This chapter applies to all development on land within the village of Hat Head zoned Zone RU5 and includes a number of detailed provisions and development requirements within Section 4.4 Visual Impacts and Key Landscape Elements including the requirement to protect the existing character and scenic amenity value of Hat Head.

DO1 - Development protects the scenic and environmental sustainability of the following key landscape elements in order to preserve the character of the village:

+ Korogoro Creek, including it aquatic ecosystems and riparian and estuarine vegetation
+ Hat Head Beach, including its natural backdrop
+ Largely undeveloped upper slopes of O'Connors Hill
+ Low residential densities
+ Existing large native trees
+ Lack of kerb and guttering
+ Large undeveloped public reserve and camping area
+ Retention of existing dominant building forms.

Section 4.4 Visual Impacts and Key Landscape Elements also includes several development requirements and requires that a Visual Analysis of the proposed development will be required to be submitted with a Development Application to demonstrate compliance with the development requirements noted for Hat Head.

2.4. Other background documents, guidelines and strategies

A number of other documents were reviewed as part of this study that have informed the understanding of existing landscape character of the Kempsey Shire and associated scenic amenity values. Key documents reviewed include:

+ Crescent Head Master Plan (Kempsey Shire Council, 2017)
+ Horizon 2030 – Macleay Valley Economic Development and Tourism Strategy (SC Lennon & Associates, 2019)
+ Integrated Regional vulnerability Assessment for North Coast of NSW – Volume 1: Assessment report (State of NSW, Office of Environment and Heritage, 2016)
+ Integrated Regional vulnerability Assessment for North Coast of NSW – Volume 2: Summary findings (State of NSW, Office of Environment and Heritage, 2016).
+ Determining scenic preference in the coastal zone – guideline for coastal development (Qld Government – Department of Environment and Science, 2018).

3. Kempsey Shire regional context

The Kempsey Shire is bounded by Nambucca Shire Council to the north, Armidale Regional Council and Walcha Council to the west, Port Macquarie-Hastings Council to the south and the Pacific Ocean to the east and contains a number of significant protected landscapes recognised as having high levels of scenic amenity value, including those within World Heritage Areas (WHAs), protected areas and Aboriginal places.

3.1. World Heritage landscapes

The Kempsey Shire contains elevated and vegetated landscapes within the Gondwana Rainforests of Australia - North East Rainforests World Heritage Area (WHA), associated with the Great Dividing Range and comprising several protected areas. The Gondwana Rainforests is also listed on the NSW State Heritage Register and the National Heritage List (DPIE, 2019). These are shown on **Figure 6.**

All World Heritage properties in Australia are 'matters of national environmental significance' protected and managed under national legislation, the Environment Protection and Biodiversity Conservation Act 1999. By law, any action that has, will have or is likely to have a significant impact on the World Heritage values of a World Heritage property must be referred to the responsible Minister for consideration.

Whilst the Gondwana Rainforests of Australia - North East Rainforests WHA is not specifically protected on account of containing "superlative natural phenomena or areas of exceptional natural beauty and aesthetic importance" (criterion vii)), it is considered that landscapes within the Gondwana Rainforests would be considered to have high scenic amenity values.

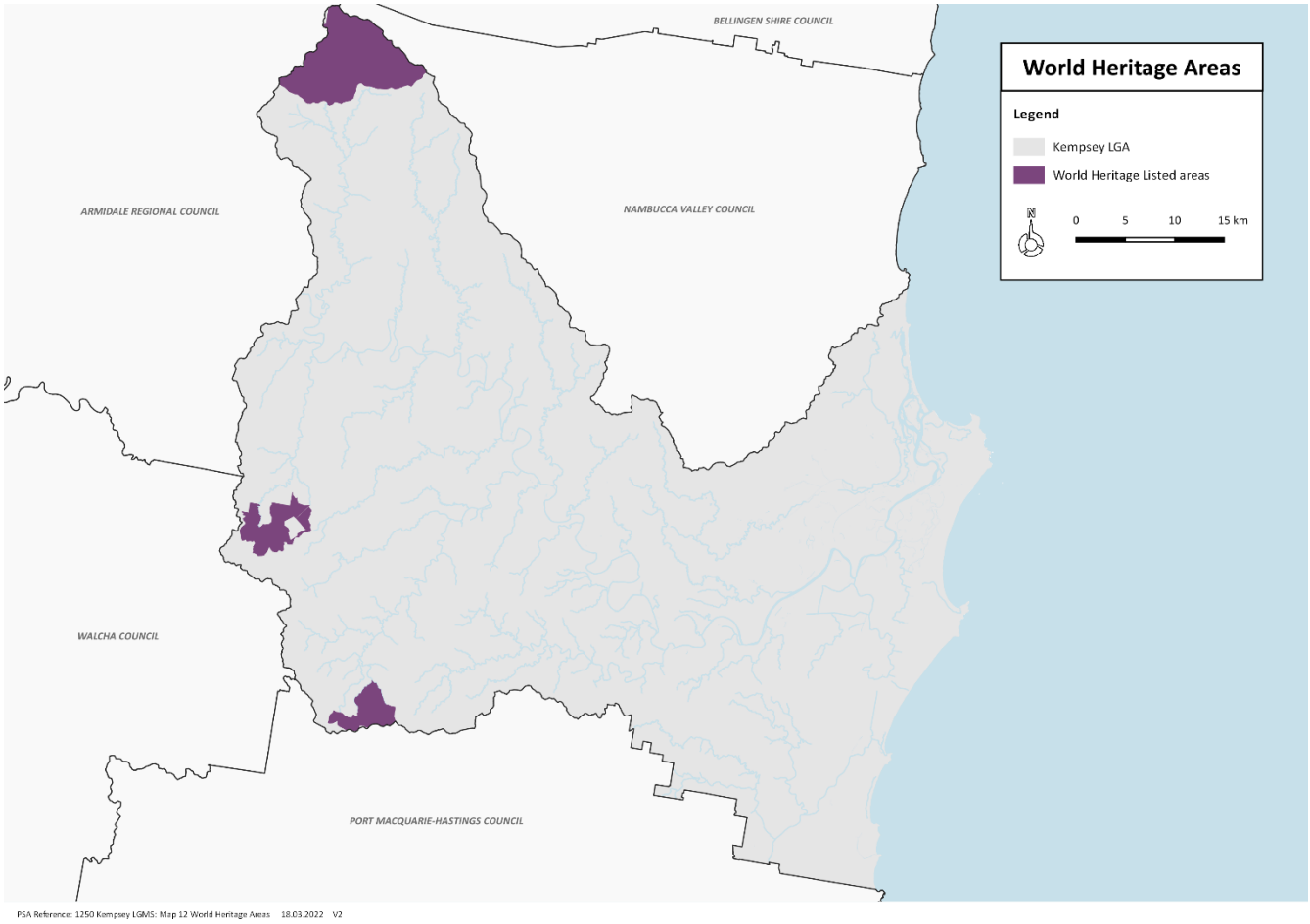

Figure 6: World Heritage Areas

3.2. Protected Areas

Approximately 40% of the Kempsey Shire is located within protected areas (national parks, historic sites, State conservation areas, regional parks, karst conservation reserves, nature reserves and Aboriginal areas), State forests, Crown Reserves or within land protected by provisions of the SEPP 2021 as shown on **Figure 7**.

Protected areas are managed for conservation by the NSW National Parks and Wildlife Service (NPWS), part of the Department of Planning and Environment and protected under *National Parks and Wildlife Act 1974 No 80.* Protected areas throughout the Kempsey Shire protect expansive areas within the hinterland and along the coastline with high levels of scenic amenity value.

State forests are Crown land managed by the Forestry Corporation and the Forestry Act 2012 No 96. Whilst these areas are not specifically protected on account of their environmental or scenic value, these landscapes contribute to the vegetated landscape setting of the shire.

Other areas protected by the SEPP 2021 are protected under the *Environmental Planning and Assessment Act 1979* and include coastal wetlands and forests that are highly valued for their contribution to the character of the shire.

There are also several parks managed for recreation and amenity, which contribute to the local character and setting of settlements within the shire.

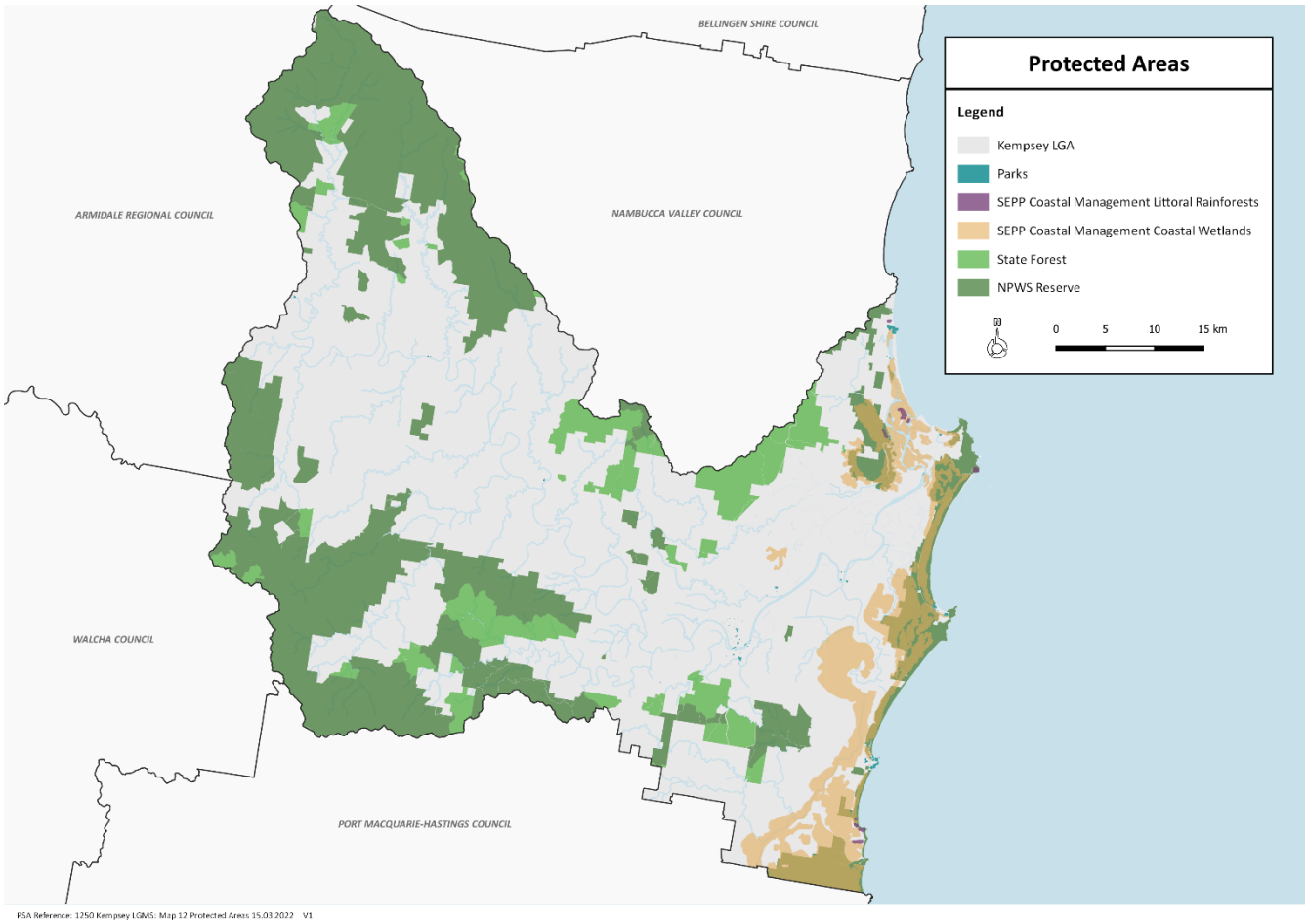

Figure 7: Protected Areas

3.3. Aboriginal cultural heritage values

Desktop research has identified the following places shown on **Figure 8** within the Kempsey Shire noted for their cultural and spiritual significance to local aboriginals, including the Dunghutti and Thungutti peoples. These Aboriginal Places have been declared by the Minister for the Environment under the *National Parks and Wildlife Act 1974 No 80*.

+ Barralbarayi (Burrel Bulai/Mount Anderson/Anderson Sugarloaf) which is located within New England National Park and is a sacred natural feature that is associated with initiation ceremonies and dreamtime stories.
+ Long Gully ceremonial site, which was a passing out parade ground used in the latter stages of initiations by the Thungutti tribe on the mid-north coast of NSW (NSW Government, 2021).
+ The site of the Kinchela Aboriginal Boys Home, which is associated with commemoration and healing of these individuals and communities and is a means to reconnect with the past (NSW Government, 2021).

In addition to those sites noted above, it is acknowledged that many other important cultural and spiritual sites are found across the region, from camp sites and boras through to landscape-scale sites such as the Stuarts Point-Clybucca Midden (Kempsey Shire Council, 2021).

Where possible, Aboriginal cultural knowledge and values in relationship to the landscape, with particular emphasis on the idea of 'Country', have been considered as part of this assessment, based on available public knowledge. It is noted that no specific community engagement has been undertaken with First Nations peoples with regards to scenic amenity values of landscapes within Kempsey Shire to inform this study, with the exception of a meeting held in person with Arthur Bain the current CEO of the Thungutti Local Aboriginal Land Council.

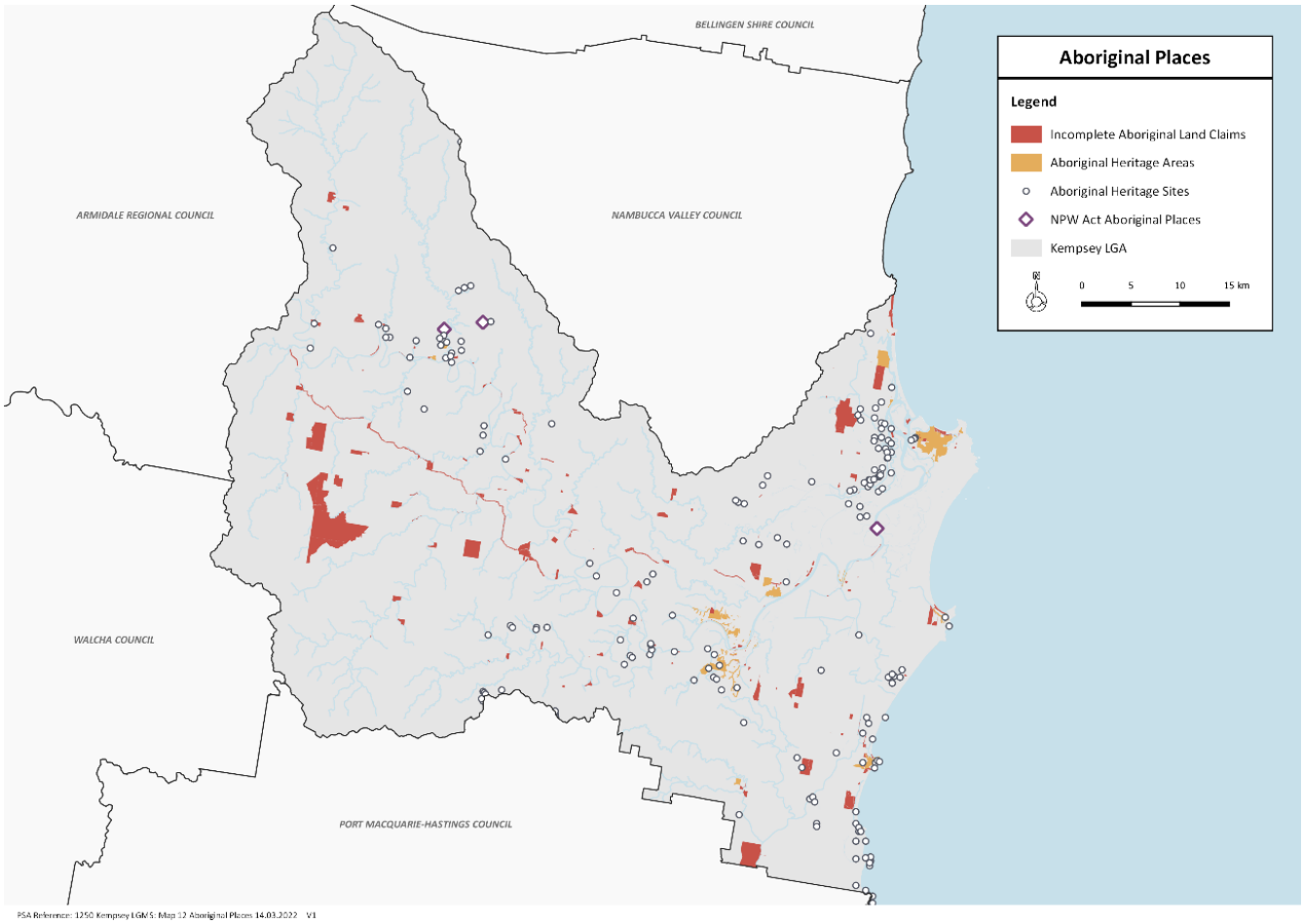

Figure 8: Aboriginal Places (Source: Kempsey Shire Council, 2022)

4. Community values and views towards scenic landscapes

4.1. Local Housing Strategy Survey (Kempsey Shire Council, 2022)

The Local Housing Strategy Survey received 143 submissions regarding the future of housing within the Kempsey Shire, some of which are of relevance to this study. There were consistently high levels of support for:

+ Larger housing blocks that are considered to provide greater amenity and a point of difference compared to other parts of NSW
+ Rural living and lifestyle properties that also support landscape and habitat values
+ Greenspace and trees to be viewed as necessary infrastructure
+ Planting of more native trees
+ Support for more community green spaces.
+ Support for provision of private green space and trees within lots and public greenspace within developments.

The community was concerned about:

+ Impacts of development on the existing character, natural beauty, visual amenity and environmental values of coastal settlements, particularly South West Rocks, Crescent Head and Hat Head, due to ongoing and future development and higher density housing
+ Impacts of development on native flora and fauna, including the clearing of habitat and bushland (noted as beautiful) surrounding coastal towns for new developments
+ The lack of 'green', landscaping elements and appropriate public open space within new smaller lot developments
+ The clearing of significant trees
+ The removal of trees being and lack of replacement
+ The lack of available space on smaller lots for vegetation to mitigate impacts of development and provide shade, amenity and habitat
+ The loss of the natural attraction of settlements due to growth
+ Potential climate change impacts
+ Visual impacts and the perceived unattractiveness of high density developments.

KEMPSEY SHIRE COUNCIL COMMUNITY RESEARCH (MICROMEX, 2020)

50% of survey respondents stated that the natural environment/beaches/rivers/climate/animals were the most valued aspects of living in Kempsey, while 'nice area/beautiful location' was most important to 9% of respondents.

4.2. Community Catchup Reports

South West Rocks (Kempsey Shire Council, 2018)

This report highlights that the community most highly value the natural beauty, beaches and the associated lifestyle and that development should be monitored and regulated to mitigate impacts on the natural amenity and environmental values that contribute to South West Rocks appeal.

Gladstone and Smithtown Community (Kempsey Shire Council, 2021 and Kempsey Shire Council, 2018).

No specific issues relevant to scenic amenity values, however it is noted that the surrounding rural landscape, Macleay River and river's edge activation are important to both these villages character and lifestyle.

Willawarrin (Kempsey Shire Council, 2018)

The rural landscape and Macleay River and beauty of the surrounding valley and landscapes were identified by the community as being highly valued.

Hat Head (Kempsey Shire Council, 2019)

The community value the landscape setting provided by the national parks that surround the village, along with the natural beauty and semi-rural village atmosphere. The lack of high-rise development and low-scale built form was also noted as positive.

Crescent Head (Kempsey Shire Council, 2019)

With regards to scenic amenity values, the community identified that:

+ The headland is a visually sensitive location in relation to development and planning and should be protected
+ The environment and natural beauty are what Crescent Head should still be recognised for in 20 years
+ The landscape elements reflected in the character of Crescent Head are the ocean, the headland, the estuaries and mountains to the west and south, the forests, woodlands and beaches.

Other settlements

Whilst it is noted that Frederickton (Kempsey Shire Council, 2021) and Stuarts Point (Kempsey Shire Council, 2021) have community catch up reports summarising the outcomes of previous community engagement sessions, neither of these addressed any issues in relation to landscape and scenic amenity values.

4.3. Cultural associations

The representation of the landscape through art and other cultural works can provide insight into place attachment values and assist in identifying the critical components requiring protection from adverse development.

The Kempsey Shire is home to many artists, including local Aboriginal artists such as Robert Campbell Jnr who have explored their cultural connection to Country. The Aboriginal people have inhabited the Macleay Valley area for thousands of years, maintaining a deep spiritual connection to the land – from the mountains to the sea. With such a rich history as stimulation, the variety of storytelling and art-making techniques has produced unique and imaginative art works (DNAAG Aboriginal Art Gallery, 2011).

The works below by Robert Campbell Jnr (**Figure 9**) and Elwyn Toby (**Figure 10**) below provide examples of how landscapes of the Macleay Valley have been represented through local artists' work.

Figure 9: 'Sunset over the Macleay overlooking Euroka' (1990) - Image source: Art Gallery of NSW

Figure 10: Artwork by Elwyn Toby depicting the mountain "Barralbarayi" (also known as Mt Sugarloaf or Anderson's Sugarloaf) - Image source: DNAAG Aboriginal Art Gallery

5. Appreciation of visual values and visual exposure

One of the key objectives of the KLEP 2013 is the protection of scenic amenity values as experienced either from major roads or other public places. Therefore, it is important to understand where key scenic routes and lookouts are located within the region, and the extent of views available from these locations.

5.1. Scenic lookouts

A number of formal and informal scenic lookouts within the Kempsey Shire have been identified through desktop research and confirmed during fieldwork investigations. Scenic lookouts within the Kempsey Shire could be categorised as follows in **Table 1** and shown on **Figure 11**.

Table 1: Lookouts identified within Kempsey Shire

Coastal lookouts	Macleay River lookouts	Elevated inland lookouts
+ Point Briner Lookout	+ Rudder Park Lookout	+ Yarrahapinni Lookout
+ Trial Bay Lookout	+ Euroka Lookout	+ Kings Lookout
+ Green Island Lookout	+ Several other informal viewing locations along Armidale Road and River Street	+ Briggs Lookout
+ Captain Cook Lookout		+ Collombatti Lookout
+ Kinchela Trig Lookout		+ Willi Willi Lookout
+ Crescent Head Lookout		+ McCoys Lookout
+ Grassy Head Lookout*		+ Falls Lookout
+ Big Nobby		+ Kunderang Lookout
+ Little Nobby		

** Grassy Head Lookout is currently in a state of disrepair and access to the lookout via walking trails is difficult.*

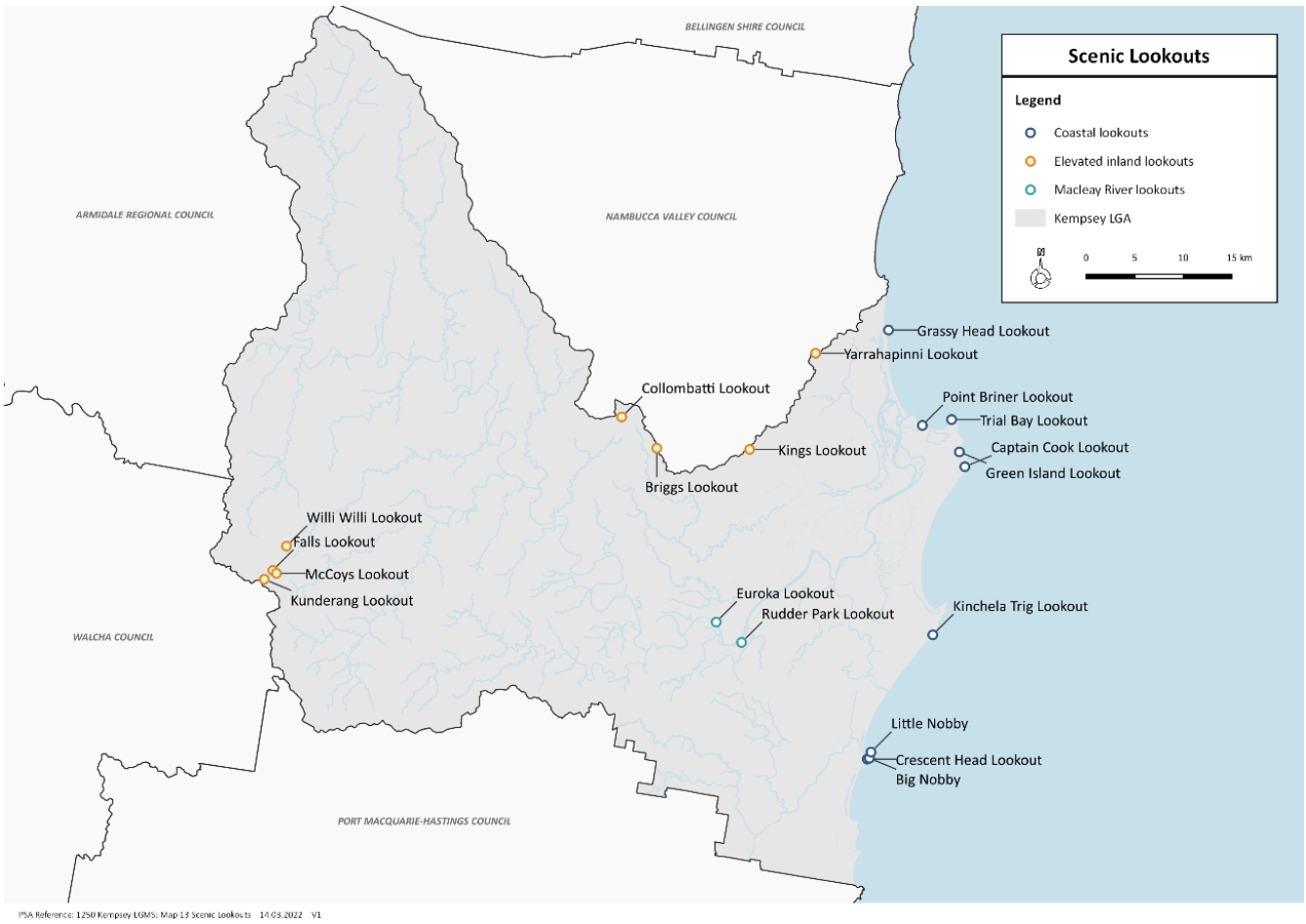

Figure 11: Scenic lookouts

5.2. Scenic routes

A number of State, regional and local scenic routes are promoted throughout the Kempsey Shire, as shown in **Table 2**. These routes provide tourists and visitors the opportunity to experience a diverse variety of landscapes, natural attractions, towns and villages within the shire and are represented on **Figure 12**. In addition to these identified scenic routes, it is understood that the *5 Headlands Trek* will be developed in the future with the goal of connection all five headlands within the shire for people to travel on foot by land and water.

Table 2: Regional and local scenic routes identified within Kempsey Shire

State routes	Regional and local routes	
	Scenic Drives of the Macleay Valley Coast	*Other advertised routes*
+ Legendary Pacific Coast + Coast to Country	+ Tourist Drive 12 + Tourist Drive 14 + Kempsey Town Scenic Drive + Kempsey Rural Scenic Drive + Point Plomer Scenic Drive + Hat Head Scenic Drive + South West Rocks Scenic Drive + Yarrahapinni Scenic Drive + Taylors Arm Scenic Drive + Cedar Park Scenic Drive (4wd) + Slim Dusty Way Scenic Drive + Kookaburra Scenic Drive + Kempsey Winery Trail	+ Crescent Head and southern beaches + Gladstone, Hat Head & National Park + South West Rocks, Trial Bay Gaol and Smoky Cape Lighthouse + Stuarts Point and Grassy Head + Toorooka, Moparrabah and Sherwood + Toorooka, Kookaburra and Daisy Plains + Bellbrook Scenic Drive + Snowy Range and Millbank + Way Way Forest Drive

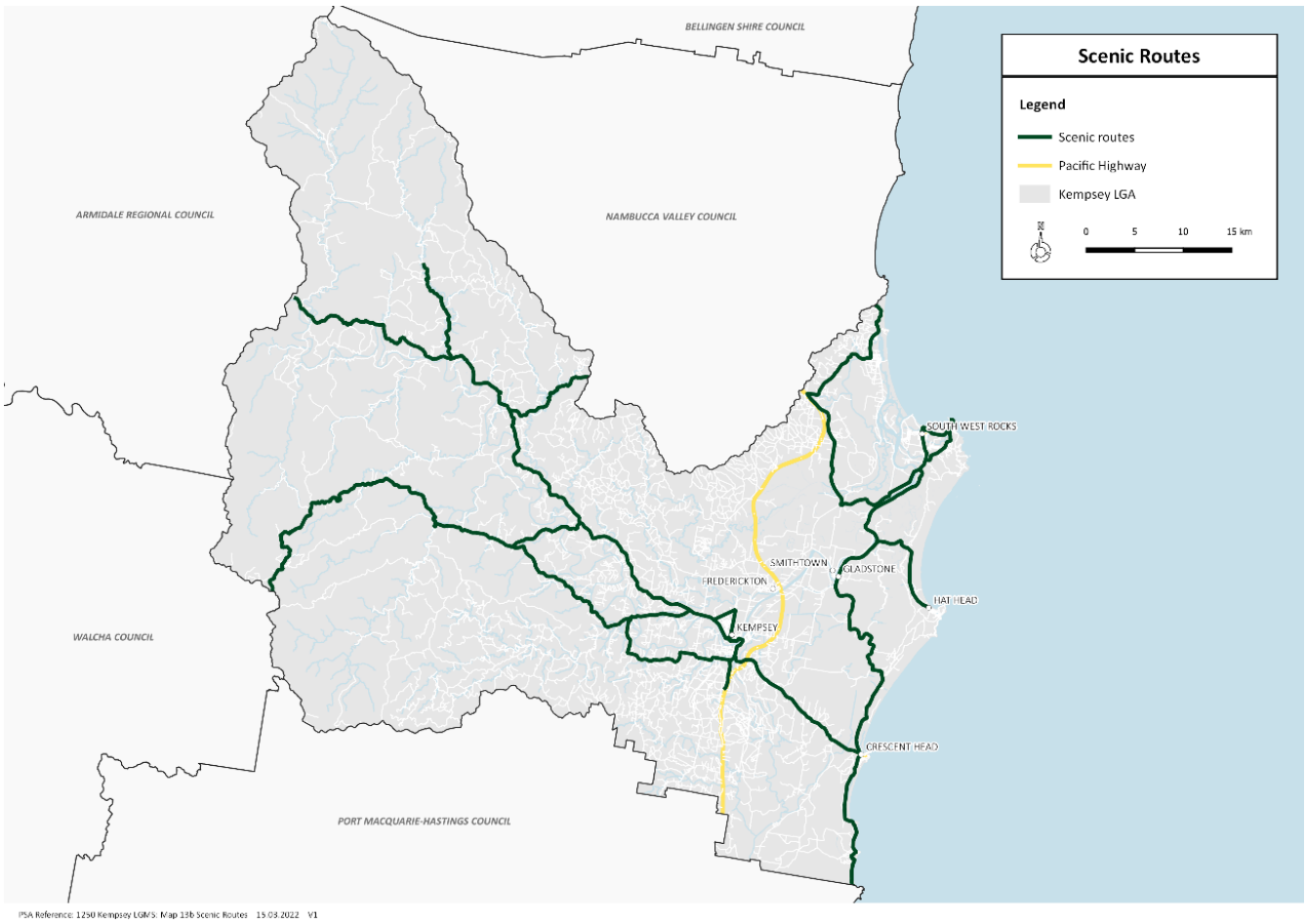

Figure 12: Scenic Drives of the Macleay Valley Coast
(only routes advertised by Macleay Valley Coast are shown on this figure)

5.3. Viewsheds

As noted above, the protection of scenic amenity values as experienced in views from major roads (including tourist routes) or other public places (such as scenic lookouts) is one of the key objectives of the KLEP 2013. In order to understand potential impacts (e.g. due to development or changes in land use) on views from these popular locations, it is important to understand the viewshed or 'seen landscape' area from these areas.

A viewshed is defined by the extent of the geographical area visible from a specific location, and excludes areas where visibility is limited by topography, vegetation, built form structures, weather conditions, and, at long distances, the curvature of the earth.

The determination of viewsheds from specific viewing locations is complex and generally generated using GIS software, and was not included in this scope of this study. However, the determination of viewsheds should be considered from specific locations where the protection and management of impacts on scenic values is considered important to the protection of the shire's existing scenic amenity and character values.

Table 3: Representative images of views from scenic lookouts and scenic routes in the Kempsey Shire

 View from Rudder Park Lookout	 *View from Collombatti Lookout*	 *View from Captain Cook Lookout*
 View from Yarrahapinni Lookout towards South West Rocks	 *View of the Macleay River and forested hills from Slim Dusty Way Scenic Drive*	 *View from the Kempsey Rural Scenic Drive across rolling rural landscapes*

6. Current mechanisms for the protection of scenic amenity values within the Kempsey Shire

Scenic amenity values of the Kempsey Shire are currently regulated through the provisions of clause *7.6 Protection of scenic character and landscape values* in the KLEP 2013. This clause applies to land identified as 'Scenic Protection Land' on the *Scenic Protection Land Map* (refer **Figure 13**). Key objectives of this clause are to:

+ Identify areas that have particular scenic value either from major roads or other public places
+ Ensure development in these areas is located and designed to minimise its visual impact.

At the time of undertaking this review, previous studies assessing the scenic amenity values of the Kempsey Shire were not available and therefore the methodology regarding the determination of current areas identified as 'Scenic Protection Land' on the *Scenic Protection Land Map* is not well understood. However, it is apparent that the current extent of mapped areas within the 'Scenic Protection Land' overlay was informed by the extent of land within the '7 (d) Scenic Protection Zone' identified in the *Kempsey Local Environmental Plan 1987* (repealed on 3 February 2014).

The current extent of the Scenic Protection Land overlay is shown below on **Figure 13**. These areas are discussed in detail below.

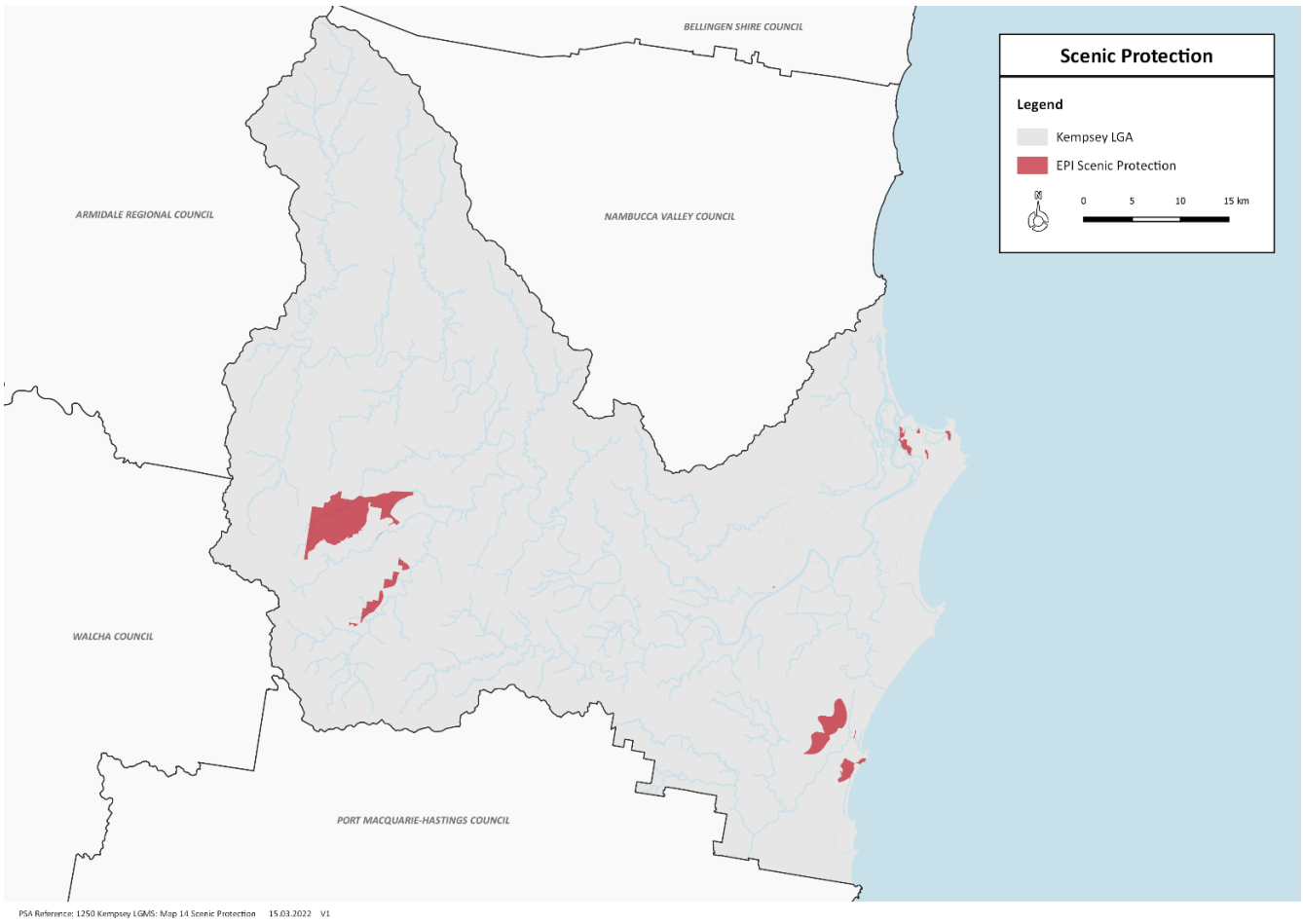

Figure 13: Current extent of Scenic Protection Land overlay within the Kempsey Shire

Extent of the current mapping The current *Scenic Protection Land Map* identifies the following areas as being within the 'Scenic Protection Land' Overlay (refer Figure 13):

+ Several vegetated areas associated with elevated ridgelines and steep valleys adjacent protected areas in the western part of the shire in vicinity of Willi Willi and Moparrabah.
+ A small coastal area to the south of Crescent Head and Crescent Head Lookout (south of Big Nobby) comprised of vegetated areas associated with Coastal Complex (a mosaic of forest ecosystems associated with coastal sand dunes) and to a lesser extent, Littoral Rainforest ecosystems. Also includes parts of Goolawah Beach and the coastal cliffs.
+ Elevated and vegetated areas to the southwest of Crescent Head associated with the ridgeline that traverses Goolawah National Park, associated with the Dry Foothills-Turpentine ecosystem, which is dominated by tall to very tall forest dominated by Blackbutt (*Eucalyptus pilularis*) and Turpentine (*Syncarpia glomulifera*).
+ Elevated and vegetated areas to the west of Crescent Head associated with Lower Range Hill, Dhalkunggayi (Dulkoonghi) Hill) and Dhalkunggayi (Dulkoonghi) Ridge that traverses Goolawah National Park, associated with the Dry Foothills-Turpentine ecosystem, which is dominated by tall to very tall forest dominated by Blackbutt (*Eucalyptus pilularis*) and Turpentine (*Syncarpia glomulifera*).
+ Several areas in the vicinity of the settlement of South West Rocks including:
  - Low-lying vegetated and wetland areas adjacent the Macleay River and Spencers Creek, comprising areas of Mangrove, Dry Grassy Blackbutt-Tallowwood (tall to very tall forest dominated by Blackbutt (*Eucalyptus pilularis*) with Tallowwood (*E. microcorys*) occurring as a sub-dominant species), and Littoral Rainforest ecosystems.
  - A small area associated with vegetation adjacent to a tributary of South West Rocks Creek (Back Creek), containing existing vegetation associated with the Coastal Sands Blackbutt ecosystem (tall to very tall forest dominated by Blackbutt (*Eucalyptus pilularis*) which often includes Needlebark Stringybark (*E. planchoniana*) and/or Smooth-barked Apple (*Angophora costata*) as sub-dominant species), and recent development associated with Ingenia Holidays South West Rocks holiday park, to the west of Gregory Street. It is noted that the Ingenia Holiday Park has recently further expanded into the area covered by the overlay and describes the setting of the holiday park as 'Back Creek, a scenic tidal waterway' on their website.
  - A small area associated with a local ridgeline that supports existing vegetation (associated with Coastal Complex, Blackbutt Co-dominant and Paperbark Complex ecosystems), some residential development and a local water reservoir.
  - A small area within Arakoon associated with elevated, vegetated areas that support some residential development.
+ A small area in the northeast of Frederickton traversed by the Macleay Valley Way.

The DCP 2013 also supports the protection of scenic amenity values within the Kempsey Shire, by expanding on the aims, objectives and other provisions of the KLEP 2013 and setting out development objectives and contains detailed provisions for development in the Kempsey Local Government Area (LGA). Most notable, it advises that a 'Visual Analysis' of the proposed developments will be required to be submitted with a Development Application to demonstrate compliance with the above development controls' for areas identified within Hat Head and notes that a Visual Impact Assessment may be required for developments within the Point Plomer Road Precinct.

6.1. Summary of current scenic amenity values protected by the KLEP 2013

Whilst the methodology and approach used to inform the current Scenic Protection Land Map is not available for review, it can be concluded that the following typical landscape features and elements are attributed as having high scenic amenity value within the Kempsey Shire:

+ Elevated and vegetated ridgelines and steep valleys that contribute to the amenity of the rural and hinterland environment
+ Elevated and vegetated ridgelines that contribute to the amenity and setting of towns and villages
+ Vegetated coastal landscapes, particularly those visible from scenic lookouts and nature-based recreation trails
+ Coastal cliffs and headlands, particularly those with unique geographical features
+ Sandy beaches
+ Low-lying vegetated and wetland areas adjacent waterways.

Table 3: Representative images of key scenic values currently protected by the KLEP 2013

Looking towards Willi National Park and elevated landscapes	*Dhalkunggayi (Dulkoonghi) Ridge to the west of Crescent Head*	*Vegetated coastal landscapes*
Unique geological formations	*Sandy beaches and coastal cliffs*	*Waterways and coastal vegetation*

However, the current mapping is not consistent in its identification of these elements through the shire.

6.2. Assessment of current applications under existing Scenic Protection Land Mapping

The KLEP 2013 currently prescribes how development applications on land subject to Scenic Protection Land mapping are to be determined. Section 7.6 of the KLEP 2013 for the protection of scenic character and landscape values has the following objectives:

> (1) (a) to identify areas that have particular scenic value either from major roads or other public places,
> (1) (b) to ensure development in these areas is located and designed to minimise its visual impact.
> (2) This clause applies to land identified as *"Scenic Protection Land"* on the *Scenic Protection Land Map*.
> (3) Development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied that measures will be taken, including in relation to the location and design of the development, to minimise the visual impact of the development from major roads and other public places.

In this regard, any development application made over land that is currently mapped as "Scenic Protection Land" under the KLEP 2013 has certain restrictions or limitations for further development. However, the above KLEP 2013 provisions do provide for an applicant to demonstrate that sufficient measures will be taken to ensure that a proposal will minimise its visual impact from major roads and other public places, if mapped as Scenic Protection Land. In the absence of a clearly defined methodology or cadastral basis for the current Scenic Protection Land mapping and how the extent of such areas are to be determined, Council should continue to apply the same approach as it has always done in determining development applications made over land mapped as having Scenic Protection. This could potentially mean that an applicant must engage a suitably qualified scenic protection consultant (for example and experienced Registered Landscape Architect or Planner) to prepare a report demonstrating that the subject site is either incorrectly mapped as having scenic protection values and/or that the proposed development if approved, is capable of being developed in such a way that it minimises the visual impacts of the development from major roads or other public places.

This report contains a primary recommendation that Council update and review the current extent of mapped areas on the *Scenic Protection Land Map* to include additional areas that are currently un-mapped but are considered to have high scenic amenity value (refer below). However, Council will need to not only determine whether it wishes to include additional lands on the Scenic Protection Land map, but also what the implications of this decision would be and whether the current KLEP 2013 provisions for managing these areas are appropriate, when determining development applications in areas mapped as Scenic Protection Land. Careful consideration will need to be given as to whether the current planning policy framework for applying the Scenic Protection Land mapping to sites is effective and, if further sites are to potentially be added to the *Scenic Protection Land Map,* what are the ramifications in terms of impacts on the development potential of further sites within the Shire. More definitive criteria of tying the extent of the Scenic Protection Land mapping to certain values, characteristics etc. may be needed, to provide better direction to applicants seeking to determine whether their land is impacted and to what degree.

Due to the somewhat subjective nature of these types of assessments when it relates to determining scenic preference and scenic amenity values of landscapes, there may be the need for more detailed, site specific assessments to support development applications. These would need to be prepared by a qualified landscape architect or planner experienced in identified scenic amenity values at the development application stage (at the applicant's expense), to assist Council in its determinations.

7. Scenic protection layer review

7.1. Limitations of the current mapping

This review identifies that the current *Scenic Protection Land Map* does not adequately identify and protect the scenic amenity values within the Kempsey Shire acknowledged in current legislation and as identified in consultation with local communities and through fieldwork investigations undertaken as part of this review.

A key limitation of this study and the review of the current provisions within the KLEP 2013 and extent of mapping shown on the *Scenic Protection Land Map* is the lack of availability of the previous studies and information that informed the selection and delineation of these areas.

As noted above, it has been advised that the current 'Scenic Protection Land' overlay was informed by the '7 (d) Scenic Protection Zone' identified in the previous *Kempsey Local Environmental Plan 1987*. Whilst some parts of the previous zone '7 (d) Scenic Protection Zone' have been included within the current 'Scenic Protection Land' layer, many parts of this zone were excluded for reasons that are unclear (as the methodology and approach used to determine these areas is not available to review). In addition, the current mapping does not identify scenic amenity values associated with many other zones identified in the previous and current KLEP 2013 or other areas identified within the DCP 2013. It also does not identify the protection of scenic values associated with natural environmental features as a key objective.

7.2. Recommendations

REVIEW AND UPDATE THE CURRENT EXTENT OF SCENIC AMENITY MAPPING OVERLAY

A key recommendation of this study is for Council to update and review the current extent of mapped areas on the *Scenic Protection Land Map* to include additional areas that are currently un-mapped but are considered to have 'high scenic amenity value'.

'Un-mapped scenic amenity areas' are considered to be areas that are either highly valued by the local community and/or are considered to contribute strongly to the unique and scenic character of the landscape and settlements within the Kempsey Shire.

The identification of areas of high scenic amenity value is particularly relevant in areas where landscapes are visible from major road corridors, scenic routes and lookouts e.g. elevated and vegetated landscapes visible from Armidale Road that are not currently protected within national parks or State forest. In particular, it is recommended that elevated and vegetated landscapes in the hinterland adjacent to protected areas and in close proximity to potential urban growth areas should be assessed and protected for their scenic values. Whilst rural areas have been subject to limited growth pressure in the past, increased urban migration from urban centres to rural living areas due to the COVID-19 pandemic and increased prevalence of working from home may increase the attractiveness of these areas in the future. These landscapes are also important as they provide a scenic backdrop for views throughout the region.

It is noted that the scenic amenity assessment and associated mapping should be independent of and may, therefore, overlap with other values such as ecological or cultural heritage value. For example, an area of important habitat may be attractive and worthy of retention for its scenic values in addition to its ecological values and/or areas of vegetation not valued for their ecological value may still be important scenically.

Additional areas for consideration within the scenic protection overlay map

The following areas outlined in **Table 4** have been identified through the review of planning and policy documents, consultation outcomes and fieldwork investigations as being 'un-mapped' areas of high scenic value within the Kempsey Shire. These areas have been identified on the basis that they are valued by the local community and/or significant in their contribution to the setting of settlements within Kempsey Shire. However, as noted below, many of these areas are already protected via other mechanisms (e.g. within national park or Crown Reserves) and therefore recommendations for inclusion of areas within the Scenic Protection overlay have only been considered where identified areas are not currently protected, and these areas are considered important to the setting and character of the Kempsey Shire and its settlements.

Many scenic landscapes within the Kempsey Shire already protected within national parks, State forests, Crown Reserves or identified within the SEPP 2021 contribute significantly to the scenic amenity of the Kempsey Shire (refer Figure 7). Whilst some areas identified and are discussed below contain protected areas or areas identified within SEPP 2021 mapping overlays, as are already protected and managed in a way that will protect their scenic beauty, the inclusion of these areas within the Scenic Protection overlay is not considered critical. However, including these areas within the overlay may provide additional guidance and grounds for assessing development applications for Council.

It is also acknowledged that as this project did not involve the preparation of a full scenic amenity study including full GIS analysis and extensive community consultation, there are likely to be additional areas of un-mapped scenic amenity value within the Kempsey Shire, and that this list is not exhaustive and should not discredit other areas for consideration or protection on account of their scenic value in the future. It is also noted that the scope of the current study did not include mapping these areas.

Table 4: Areas identified for consideration within the scenic protection overlay map

Forested and rural mountains, hills and ridgelines		
THE YARRAHAPINNI HILLS		
Representative Image(s)		
Looking northwest along South West Rocks Creek (Back Creek) towards Mount Yarrahapinni	*Looking north along the Macleay Arm towards Scotts Mountain and Grassy Head*	*Looking west from Grassy Head towards Yarriabini National Park*
Description and area to be considered for protection		
Areas zoned RU1 on the western and southern foothills and elevated and forested landscapes associated with Mount Yarrahapinni, the Macleay Hills, Kinki Ridge, Cooks Knob, Scotts Mountain, Middle Head, and Grassy Head (to the north and west of Stuarts Point).		
Rationale/scenic value		
The elevated and vegetated landscapes associated with Mount Yarrahapinni, the Macleay Hills, Kinki Ridge, Cooks Knob, Scotts Mountain, Middle Head, and Grassy Head contribute to the landscape character of the		

Kempsey Shire. Mount Yarrahapinni is a significant landmark and dominant topographical feature with cultural significance.

These landscapes are highly visible throughout the shire, and views to these landscapes are possible from several key locations throughout the Kempsey Shire, including:

+ Looking north along the Macleay River when crossing the Kempsey Bridge
+ Views from the Macleay Arm
+ Views from Grassy Head
+ Views from coastal settlements, such as South West Rocks and Stuarts Point (where views to Mount Yarrahapinni are possible looking west)

Views from the surrounding rural landscape towards these elevated and forested areas are also possible.

Current levels of protection and recommendation(s)

There are currently no areas of scenic protection in the vicinity of Mount Yarrahapinni, however, a lot of the surrounding landscape is protected within national park estates, Crown Reserve or identified within the SEPP 2021 Coastal Use Area (where situated on the coastline), where development is required to consider whether the visual amenity and scenic qualities of the coast are impacted by development.

As most of this area is situated on freehold land and outside of the area identified in the SEPP, it is considered that **this area should be considered for inclusion on the Scenic Protection overlay**.

O'CONNORS HILL

Representative Image(s)

View towards O'Connors Hill and rural residential dwelling

Residential development at the base of O'Connors Hill showing vegetated landscape beyond

Description and area to be considered for protection

The northern foothills of O'Connors Hill near Hat Head that contains private lots zoned as RU2 and RU5.

Rationale/scenic value

Significant existing and mature vegetation supported by rural residential lots within Hat Head on the foothills of O'Connors Hill contribute to the forested backdrop of Hat Head. This area within Hat Head is considered important, as it contributes to the setting of O'Connors Hill and Hat Hill, which are dominant and highly scenic landscape features. The significance of these features and the protection of the existing vegetated character of Hat Head is particularly evident when viewed from the village and Korogoro Creek.

Current levels of protection and recommendation(s)

There are currently no areas of scenic protection in or around Hat Head, however, a lot of the surrounding landscape is protected within national park estates, Crown Reserve or identified within the SEPP 2021 Coastal

Use Area, where development is required to consider whether the visual amenity and scenic qualities of the coast are impacted by development.

In addition, this area is identified as an area subject to DO1 within Chapter F2: Hat Head, Section 4.4 Visual Impacts and Key Landscape Elements of the DCP 2013, which states that:

DO1 - Development protects the scenic and environmental sustainability of the following key landscape elements in order to preserve the character of the village. As this area is situated on freehold land and outside of the area identified in the SEPP and currently already acknowledged for its visual values in the DCP 2013, **it is considered that this area should be considered for inclusion on the Scenic Protection overlay** to provide a consistency of approach across the planning system.

ARAKOON FOOTHILLS

Representative Image(s)

Looking east along Athena Parade towards Arakoon showing the lack of visible built form above the tree line

Typical rural residential properties within Arakoon with mature and significant vegetation

Description and area to be considered for protection

Lots zoned as RU2 and R5. supporting native vegetation within Arakoon, particularly those areas located on the northern foothills of Big Smoky and Little Smoky that are visible from South West Rocks and Tourist Route 12.

Rationale/scenic value

Significant existing and mature vegetation supported by rural residential lots within Arakoon on the foothills of Big Smoky and Little Smoky contribute to the forested backdrop of South West Rocks. This area within Arakoon is considered important, as it contributes to the setting of Big Smoky, Little Smoky and the Smoky Cape Range which are dominant and highly scenic landscape features. The significance of these features and the protection of the existing vegetated character of Arakoon is particularly evident when viewed from South West Rocks, including from immerging residential areas in the vicinity of Athena Parade, and from Scenic Route 12 (which follows Arakoon Road).

Current levels of protection and recommendation(s)

There are currently some areas of scenic protection in the vicinity of South West Rocks and Arakoon. However, a lot of the surrounding landscape is protected within national park estates, Crown Reserve or identified within the SEPP 2021 Coastal Use Area (where situated on the coastline) and coastal wetlands area, where development is required to consider whether the visual amenity and scenic qualities of the coast are impacted by development.

As most of this area is situated on freehold land and outside of the area identified in the SEPP, **it is considered that this area should be considered for inclusion on the Scenic Protection overlay.**

SOUTH KEMPSEY HILLS AND VERGES CREEK FORESTS

Representative Image(s)

Looking southeast towards forested landscapes within Verges Creek and South Kempsey from East Kempsey

View south from the East Kempsey Cemetery towards elevated and forested hills within South Kempsey

South Kempsey Interchange showing forested backdrop that contributes to the amenity of the arrival experience

View along Old Station Road in Verges Creek showing mature vegetation

Description and area to be considered for protection

Areas zoned as RU2, RU5, R5 and C2 supporting extensive areas of contiguous native vegetation to the south, east and west of South Kempsey and East Kempsey, within South Kempsey, Verges Creek and Burnt Bridge.

Rationale/scenic value

Significant existing, mature and contiguous vegetation supported by rural and rural residential lots within South Kempsey, Verges Creek and Burnt Bridge contribute to the forested backdrop and amenity of views from South Kempsey and East Kempsey, as well as the vegetated and natural character of scenic routes throughout the area. These areas are also situated adjacent to Kalateenee State Forest, Maria River National Park and Maria River State Forest and contribute to the setting of nature-based outdoor recreation opportunities provided within these areas.

Current levels of protection and recommendation(s)

There are currently no areas of scenic protection in the vicinity of South Kempsey, however, a lot of the surrounding landscape is protected within national park estates, and, to a lesser extent, Crown Reserve.

As most of this area is situated on freehold land and is currently not protected on account of its scenic amenity value**, it is considered that this area should be considered for inclusion on the Scenic Protection overlay.**

Elevated areas that are visible from and contribute to the setting of and amenity of views from South Kempsey and East Kempsey, scenic routes or the Pacific Highway are considered to be of highest value in this area and

should be prioritised for protection. This includes areas adjacent to the South Kempsey Interchange which is a key gateway to the shire.

BELLBROOK HILLS

Representative Image(s)

View from Thungutti Community towards Barralbarayi showing forested ridgelines in the foreground that contribute to its landscape setting

View from Armidale Road towards Barralbarayi showing forested ridgelines in the foreground that contribute to its landscape setting

The forested ridgeline to the north of Bellbrook contributes strongly to the towns scenic setting

Elevated landscapes south of Bellbrook provide a scenic backdrop to the settlement, particularly when viewed from Thungutti Drive

View from Thungutti Drive north towards the ridgeline behind Bellbrook

Description and area to be considered for protection

Elevated areas zoned as RU2 supporting areas of contiguous native vegetation surrounding Bellbrook. Particularly areas that are visible from and contribute to the setting of and amenity of views from Bellbrook, Thungutti Community, Armidale Road, Thungutti Road and Nulla Nulla Creek Road.

Rationale/scenic value

Significant existing, mature and contiguous vegetation supported within private land holdings contribute to the forested backdrop and amenity of views from Bellbrook, as well as the vegetated and natural character of scenic routes throughout the hinterland. Some of these areas are also situated adjacent to New England National Park and are very important in their contribution to the broader rural and natural landscape setting of Burrell Bulai, which is a significant landscape and cultural landmark.

Current levels of protection and recommendation(s)

There are currently no areas of scenic protection in the vicinity of Bellbrook, and the extent of areas protected within Crown Reserve within close proximity to the village are limited.

As most of this area is situated on freehold land and is currently not protected on account of its scenic amenity value, **it is considered that this area should be considered for inclusion on the Scenic Protection overlay**.

Elevated areas that are visible from and contribute to the setting of and amenity of views from Bellbrook, scenic routes as well as the setting of Barralbarayi are considered to be of highest value in this area and should be prioritised for protection.

WILLAWARRIN HILLS

Representative Image(s)

View from Willawarrin Memorial Park north towards the forested low hills

View from the sports fields within Willawarrin towards the forested hills north of the village

View southwest from Gowings Hill Road and the 'Kempsey Rural Scenic Drive' towards Foys Nob

Description and area to be considered for protection

Elevated areas zoned as RU2 supporting areas of contiguous native vegetation to the north of Willawarrin that are visible from and contribute to the setting of and amenity of views from the settlement.

Rationale/scenic value

Significant existing, mature and contiguous vegetation supported within private land holdings contribute to the forested backdrop and amenity of views from Willawarrin. These areas are also situated adjacent to Collombatti State Forest and are contribute to the broader rural and natural landscape character of Kempsey Shire.

Current levels of protection and recommendation(s)

There are currently no areas of scenic protection in the vicinity of Willawarrin.

As most of this area is situated on freehold land and is currently not protected on account of its scenic amenity value, **it is considered that this area should be considered for inclusion on the Scenic Protection overlay**.

Elevated areas that are visible from and contribute to the setting of and amenity of views from Willawarrin and scenic routes are considered to be of highest value in this area and should be prioritised for protection.

OTHER HINTERLAND LANDSCAPES

Representative Image(s)

View from Armidale Road looking west up the Macleay River towards Bellbrook

View travelling along Hickeys Creek Road and the Taylors Arm Scenic Drive showing forested landscapes

View from Armidale Road towards the Macleay River, Paddys Mountain and Gads Sugarloaf

View southwest from Nulla Nulla Creek Road and Slim Dusty Way Scenic Drive across the rural landscape towards Bellbrook and Fifes Knob in the background

View southwest from Armidale Road and the Slim Dusty Way Scenic Drive near the Bellbrook Cemetery towards Fifes Knob

Description and area to be considered for protection

In addition, several other rural areas containing elevated rural and forested landscapes are visible from and contribute to the setting of and amenity of views from settlements within the region as well as the experience of travelling along tourist routes within the hinterland, including:

+ Slim Dusty Way Scenic Drive
+ Taylors Arm Scenic Drive
+ Kookaburra Scenic Drive
+ Kempsey Rural Scenic Drive
+ Cedar Park Scenic Drive (4wd).

Rationale/scenic value

Distant and close views towards these landscapes contribute to the forested backdrop and amenity of views throughout the Kempsey Shire, particularly from the settlements of Kempsey, West Kempsey, Bellbrook and Willawarrin. These areas are often situated adjacent to large areas of national park and State forests and contribute to the broader rural and natural landscape character of Kempsey Shire, as well as the scenic amenity value of the hinterland.

Current levels of protection and recommendation(s)

Currently part of the hinterland is identified within the Scenic Protection overlay, in the vicinity of Willi Willi, whilst other areas are protected within national parks, State forests and Crown Reserves.

As most of this area is situated on freehold land and is currently not protected on account of its scenic amenity value, **it is considered that this area should be considered for inclusion on the Scenic Protection overlay**.

Areas that should be prioritised for protection on account of their scenic value include the foothills of mountains and ranges within the hinterland visible from major roads, settlements and scenic routes and scenic lookouts, such as landscapes visible from Collombatti Lookout, Bellbrook and West Kempsey.

Often rural landscapes may contribute to the quality of views obtained from these routes, and development for rural purposes within key view corridors from scenic lookouts should consider the potential for impact on the scenic quality and character of these significant vistas.

Coastal beaches, dunes, cliffs and headlands (including karst landscapes)

COASTAL CLIFFS AND HEADLANDS ALONG THE MACLEAY VALLEY COASTLINE

Representative Image(s)

View from Big Nobby towards Little Nobby, Crescent Head and north along the coastline

View towards Monument Hill from near Overshot Dam in Arakoon

Grassy Head in the northern part of Kempsey Shire

View towards Big Nobby from Little Nobby in Crescent Head

View from Smoky Cape Lighthouse looking north

Monument Point in South West Rocks

 View towards South West Rocks from Front Beach at Trial Bay	 *View towards Trial Bay from Monument Point at South West Rocks*	

Description and area to be considered for protection

Dramatic coastal cliffs, headlands and geological features along the Macleay Valley Coast.

Rationale/scenic value

Several distinctive and striking coastal landscapes and rock formations located on the coastline contribute strongly to the visual amenity and character of the Kempsey Shire and Macleay Valley Coast. Views towards these landscapes, as well as elevated views from headlands are highly valued by the local community and tourists alike.

Current levels of protection and recommendation(s)

These significant coastal landscapes are contained within national parks and Crown Reserves and located within the SEPP 2021 Coastal Use Area, where development is required to consider whether the visual amenity and scenic qualities of the coast are impacted by development.

In addition, the Point Plomer Coastline which contains scenic coastal landscapes is subject to DO1 within Chapter E3: Hat Head, Section 3.1 Character and Low Key Scale of the DCP 2013, which states that:

DO1 - Development is of a low-scale and a low-impact nature (being development that does not have a significant negative impact on the ecology of its location, or on the character, amenity or scenic value of the area).

As well as the following desired outcome within Section 3.6 Visual Amenity and Landscape:

DO1 - Development does not adversely affect the visual amenity or landscape setting of the Point Plomer Road Precinct.

On this basis, **it is considered that these areas could be included on the Scenic Protection overlay to afford them additional protection**, noting that scenic amenity values associated with these scenic coastal landscapes are already acknowledged and protected by the SEPP 2021 and under their management as national park estates and Crown Land, and are also partly acknowledged within the DCP 2013.

BEACHES AND DUNAL SYSTEMS

Representative Image(s)

Front Beach at South West Rocks

Little Bay at Arakoon

Dunes within Hat Head National Park

Description and area to be considered for protection

Expansive sandy beaches and dunal systems along the Macleay Valley Coast.

Rationale/scenic value

Beaches and dunal systems along the Macleay Valley Coast are highly valued for their scenic amenity and cultural value and their contribution to the character of coastal settlements, the Kempsey Shire and Macleay Valley Coast.

Views towards these landscapes, as well as views from beaches towards the surrounding coastal environment are highly valued by the local community and tourists alike.

Current levels of protection and recommendation(s)

These landscapes are contained within national parks and Crown Reserves and located within the SEPP 2021 Coastal Use Area, where development is required to consider whether the visual amenity and scenic qualities of the coast are impacted by development.

In addition, the Point Plomer Coastline which contains scenic coastal landscapes is subject to DO1 within Chapter E3: Hat Head, Section 3.1 Character and Low Key Scale of the DCP 2013, which states that:

DO1 - Development is of a low-scale and a low-impact nature (being development that does not have a significant negative impact on the ecology of its location, or on the character, amenity or scenic value of the area).

As well as the following desired outcome within Section 3.6 Visual Amenity and Landscape:

DO1 - Development does not adversely affect the visual amenity or landscape setting of the Point Plomer Road Precinct.

Hat Head Beach is also identified as an area subject to DO1 within Chapter F2: Hat Head, Section 4.4 Visual Impacts and Key Landscape Elements of the DCP 2013, which states that:

DO1 - Development protects the scenic and environmental sustainability of the following key landscape elements in order to preserve the character of the village.

On this basis, **it is considered that these areas could be included on the Scenic Protection overlay to afford them additional protection**, noting that scenic amenity values associated with beaches and dune systems are

already acknowledged and protected by the SEPP 2021 and under their management as national park estates and Crown Land, and are also partly acknowledged within the DCP 2013.

Rivers and waterways

MACLEAY RIVER

Representative Image(s)

The Macleay River and Jimmys Point viewed from Armidale Road

Looking west along the Macleay River from the bridge at Bellbrook

Looking east along the Macleay River from Sherwood Bridge

Looking west along the Macleay River from Kempsey Railway Bridge

View south along the Macleay River towards the settlements of Gladstone and Smithtown

View from New Entrance Road within South West Rocks towards the Macleay River

Description and area to be considered for protection

The Macleay River, its creeks, tributaries, bays, inlets and riparian corridor.

Rationale/scenic value

The Macleay River is a major river and a highly significant and visual cultural landscape feature associated with dreamtime stories that is the centerpiece of the Kempsey Shire. The river's visual character changes along its length. The middle reaches of the Macleay within the hinterland of Kempsey Shire are framed by rolling rural hills and forested mountains, whilst the river is narrower and more constrained within its channel. Within the lower reaches of the river, the sprawling rural Macleay floodplain, wider river channel and presence of mangroves near the river mouth and within estuarine areas provide a different aesthetic quality. The Macleay River is significant as it contributes to the character and setting of many of the Shire's settlements, whilst also providing high levels of scenic amenity value and visual interest.

Current levels of protection and recommendation(s)

The lower reaches of the Macleay River, including islands within its estuary are located within the SEPP 2021 Coastal Use Area, and some areas are identified on the *State Environmental Planning Policy Coastal Wetlands and Littoral Rainforests Area Map* as coastal wetlands. Development within the coastal use area must consider whether the visual amenity and scenic qualities of the coast, including coastal headlands are impacted by development.

This includes Shark Island, Little Shark Island and other low-lying estuarine landscapes at the Macleay River mouth which contribute to the scenic quality of views from South West Rocks, including views from New Entrance Road and walking trails with views of the river.

On this basis, **it is considered that the Macleay River upstream of Belgrave Falls should be considered for inclusion within the Scenic Protection Land overlay,** and areas within the SEPP 2021 Coastal Use Area and identified as coastal wetlands could be considered for inclusion also, noting that their scenic amenity values are already acknowledged and protected by the SEPP 2021.

Particular areas noted during fieldwork investigations as contributing strongly to the amenity of the Kempsey include:

+ The forested river's edge near the Kempsey Rail Bridge within Euroka
+ The forested river's edge embankment in East Kempsey, visible from Kempsey and Riverside Park

BELMORE RIVER

Representative Image(s)

The Belmore River from Belmore River Right Bank Road

The Belmore River from Belmore River Right Bank Road

Looking northwest along Belmore River Right Bank Road towards the Belmore River

Description and area to be considered for protection

The Belmore River, its creeks, tributaries and riparian corridor.

Rationale/scenic value

The Belmore River is a picturesque tributary of the Macleay River that winds through the floodplain, with its confluence located near the towns of Gladstone and Smithtown. The river is a scenic feature within the broader Macleay River floodplain, and flows alongside Belmore River Road, which provides an alternative to Crescent Head Road to access the coastal settlement of Crescent Head. This road is also identified as a key inter-town link and is utilised by cyclists for recreation. The river's visual character is largely consistent and whilst the extent of riparian vegetation has been impacted due to rural land uses, the river still contributes to the character and setting of the Kempsey Shire.

Current levels of protection and recommendation(s)

The Belmore River is located within the SEPP 2021 Coastal Use Area, where development is required to consider whether the visual amenity and scenic qualities of the coast are impacted by development.

On this basis, **it is considered that the Belmore River could be included on the Scenic Protection overlay to afford it additional protection**, noting that scenic amenity values associated with this waterway are already acknowledged and protected by the SEPP 2021.

MARIA RIVER

Description and area to be considered for protection

The Maria River, its creeks, tributaries and riparian corridor.

Rationale/scenic value

The Maria River drains the lower south-eastern part of the floodplain. The river largely vegetated and has some rural land uses adjacent to its channel, and flows alongside Maria River Road, which provides a connection between Crescent Head and Port Macquarie (via the ferry at North Shore). Whilst not a highly visible element of the broader Kempsey Shire landscape, the river's natural and undeveloped visual character contribute to the character of the Shire.

Current levels of protection and recommendation(s)

The Maria River is located within the SEPP 2021 Coastal Use Area, where development is required to consider whether the visual amenity and scenic qualities of the coast are impacted by development.

On this basis, **it is considered that the Maria River could be included on the Scenic Protection overlay to afford it additional protection**, noting that scenic amenity values associated with this waterway are already acknowledged and protected by the SEPP 2021.

THE MACLEAY ARM

Representative Image(s)

View south along the Macleay Arm towards South West Rocks from near Fishermans Reach

View north along the Macleay Arm towards Stuarts Point

View north along the Macleay Arm towards Grassy Head

Description and area to be considered for protection

The Macleay Arm and its riparian corridor.

Rationale/scenic value

The Macleay Arm is a closed off part of the old river channel and part of the Macleay River Estuary. With the exception of development associated with Stuarts Point and Fishermans Reach and some rural land uses, the Macleay Arm is largely undeveloped and presents as a largely natural waterway, supporting both motorised and non-motorised water-based recreation activities and contributing to the setting of the settlements of Stuarts Point and Fishermans Reach. The Macleay Arm is significant as it contributes to the character and setting of these coastal settlements, whilst also providing high levels of scenic amenity value and visual interest and supporting opportunities for scenic views across the broader landscape.

Current levels of protection and recommendation(s)

The Macleay Arm is located within the SEPP 2021 Coastal Use Area, and some areas are identified on the *State Environmental Planning Policy Coastal Wetlands and Littoral Rainforests Area Map* as coastal wetlands.

Development within the coastal use area must consider whether the visual amenity and scenic qualities of the coast, including coastal headlands are impacted by development.

On this basis, **it is considered that the Macleay Arm could be included on the Scenic Protection overlay to afford it additional protection**, noting that scenic amenity values associated with this waterway are already acknowledged and protected by the SEPP 2021.

SOUTH WEST ROCKS CREEK (BACK CREEK)

Representative Image(s)

View from New Entrance Road towards South West Rocks along the creek

View from the boat ramp along the creek towards Mount Yarrahapinni

View from South West Rocks along the creek

Description and area to be considered for protection

South West Rocks Creek, its estuary and surrounding mangrove forests.

Rationale/scenic value

South West Rocks Creek is located between South West Rocks and the Macleay River and is a small estuary open to the sea. The waterway highly significant and visual cultural landscape feature and tourism attraction and a key recreation area, supporting water-based recreation opportunities and contributes to the character and setting of South West Rocks, whilst also providing high levels of scenic amenity value and visual interest.

Current levels of protection and recommendation(s)

These significant coastal waterways are contained within national parks, Crown Reserves and are located within the SEPP 2021 Coastal Use Area, and some areas are identified on the *State Environmental Planning Policy Coastal Wetlands and Littoral Rainforests Area Map* as coastal wetlands. Development within the coastal use area must consider whether the visual amenity and scenic qualities of the coast, including coastal headlands are impacted by development.

On this basis, **it is considered that these areas could be included on the Scenic Protection overlay to afford them additional protection**, noting that scenic amenity values associated with this waterway are already acknowledged and protected by the SEPP 2021 and under their management as national park estates and Crown Land.

SALTWATER CREEK

Representative Image(s)

Figure 14: View from the footbridge along Saltwater Creek towards Arakoon

Figure 15: View from the footbridge towards South West Rocks

Figure 16: View from the footpath alongside the creek towards Trial Bay

Description and area to be considered for protection

Saltwater Creek and its estuary.

Rationale/scenic value

Saltwater Creek and is a small intermittently closed coastal waterway that connects Saltwater Lagoon (within Hat Head National Park) to Trial Bay at South West Rocks. The estuary is a valuable recreational and social asset for the local South Wet Rocks community and tourists, and is fringed by significant wetlands and coastal vegetation communities.

Current levels of protection and recommendation(s)

These significant coastal waterways are contained within national parks, Crown Reserves and are located within the SEPP 2021 Coastal Use Area, and some areas are identified on the *State Environmental Planning Policy Coastal Wetlands and Littoral Rainforests Area Map* as coastal wetlands. Development within the coastal use area must consider whether the visual amenity and scenic qualities of the coast, including coastal headlands are impacted by development.

On this basis, **it is considered that these areas could be included on the Scenic Protection overlay to afford them additional protection**, noting that scenic amenity values associated with this waterway are already acknowledged and protected by the SEPP 2021 and under their management as national park estates and Crown Land.

KOROGORO CREEK

Representative Image(s)

View of Korogoro Creek from the boat ramp	View of Korogoro Creek and recreation trail along its edge	Looking towards Korogoro Creek and the footbridge

Description and area to be considered for protection

Korogoro Creek and its estuary.

Rationale/scenic value

Korogoro Creek and is a small coastal waterway located in Hat Head. The estuary is a valuable recreational and social asset for the local Hat Head community and tourists, and is fringed by significant wetlands and coastal vegetation communities. The high levels of intactness and perceived naturalness of this waterway contributes to its scenic value.

Current levels of protection and recommendation(s)

These significant coastal waterways are contained within national parks, Crown Reserves and are located within the SEPP 2021 Coastal Use Area, and some areas are identified on the *State Environmental Planning Policy Coastal Wetlands and Littoral Rainforests Area Map* as coastal wetlands. Development within the coastal use area must consider whether the visual amenity and scenic qualities of the coast, including coastal headlands are impacted by development.

On this basis, **it is considered that these areas could be included on the Scenic Protection overlay to afford them additional protection**, noting that scenic amenity values associated with this waterway are already acknowledged and protected by the SEPP 2021 and under their management as national park estates and Crown Land.

Rural and natural floodplains and wetlands

LOW-LYING SWAMPS, WETLANDS AND RURAL LANDSCAPES

Representative image(s)

View across the Belmore Swamp from Seale Road

View of Belmore Swamp from Seale Road

Grazing on the rural floodplain is typical

Description and area to be considered for protection

Low-lying swamps (Doughboy, Cooroobongatti and Belmore Swamps and Swan Pool wetlands) and rural landscapes throughout the Macleay River floodplain.

Rationale/scenic value

These areas provide storage for flood waters and the presence of water within these landscapes contributes to their scenic value.

Current levels of protection and recommendation(s)

Some of these landscapes are protected within national parks or located within the SEPP 2021 Coastal Use Area, and some areas are identified on the *State Environmental Planning Policy Coastal Wetlands and Littoral*

Rainforests Area Map as coastal wetlands. Development within the coastal use area must consider whether the visual amenity and scenic qualities of the coast, including coastal headlands are impacted by development. However, some areas considered to be of significance to the amenity and character of the Kempsey Shire and its settlements are not currently protected on account of their scenic amenity value. These include:

+ The East Kempsey Swamp and the rural landscape to the southeast of South Kempsey, which contribute to the amenity of views from East Kempsey and its rural landscape setting
+ The area in the vicinity of Pola Creek and Old Station
+ The area situated to the north of the Frederickton sports fields
+ The area in the vicinity of Christmas Creek north of West Kempsey

On this basis **it is considered that these areas should be considered for inclusion within the Scenic Protection Land overlay**, and areas within the SEPP 2021 Coastal Use Area and identified as coastal wetlands should could also be considered for protection, noting that their scenic amenity values are already acknowledged and protected by the SEPP 2021.

7.3. Summary of recommendations

The following areas have been identified as having high levels of scenic amenity value and as being worthy of consideration for inclusion within the Scenic Protection overlay:

+ The Macleay River, its creeks and tributaries upstream of Belgrave Falls
+ The Yarrahappini Hills
+ O'Connors Hill
+ Arakoon Foothills
+ South Kempsey Hills and Verges Creek Forests
+ Bellbrook Hills
+ Willawarrin Hills
+ Other elevated and forested hinterland landscapes visible from major roads, settlements and scenic routes and scenic lookouts.
+ The East Kempsey Swamp and the rural landscape to the southeast of South Kempsey, which contribute to the amenity of views from East Kempsey and its rural landscape setting
+ The rural landscape and floodplain in the vicinity of Pola Creek and Old Station
+ The vegetated area situated to the north of the Frederickton sports fields
+ The rural landscape and floodplain in the vicinity of Christmas Creek north of West Kempsey.

As acknowledged above, whilst several other coastal landscapes and waterways are acknowledged for their high scenic amenity value, as these landscapes and their scenic attributes are already protected via other mechanisms, it is not considered that they require additional protection under the Scenic Protection overlay.

Removal of areas not considered to contain scenic landscape elements

Desktop analysis has identified some limited areas where development has occurred that has resulted in the reduction of scenic amenity values within areas currently identified on the *Scenic Protection Land Map*. The following areas should be **reviewed and considered for removal** and/or refinement of their existing boundaries in recognition of this:

+ The western part of the small area associated with vegetation adjacent to a tributary of South West Rocks Creek (Back Creek), that has been impacted by development associated with the South West Rocks Tourist Park. This includes the area to the south of Fig Tree Lane and north of Gordon Young Drive.
+ The small area in the northeast of Frederickton traversed by the Macleay Valley Way Which has been impacted by the realignment of Macleay Valley Way.

REVIEW AND UPDATE THE REQUIREMENTS OF THE DCP 2013

The DCP 2013 currently contains several detailed requirements for some precincts identified within the Kempsey Shire. These provisions should be reviewed and additional provisions incorporated if deemed appropriate in order to address the identified areas of 'un-mapped' scenic amenity in the shire. This should be addressed community concerns regarding development impacts on scenic amenity values, particularly within the coastal settlements of South West Rock, Crescent Head and Hat Head.

PREPARATION OF A LANDSCAPE STRATEGY FOR KEMPSEY SHIRE

The preparation of a landscape character assessment could be used to prepare a Landscape Strategy for the Kempsey Shire. This strategy could sit outside of the statutory planning systems and provide an assessment framework and management guidelines to assist Council, landowners, land managers, developers, business and community to consistently identify and evaluate the visual values associated with the landscapes of the Kempsey Shire and ensure their protection or enhancement through strategic planning and development assessment processes and other effective management responses. However, the appropriate planning response will need to be determined following the completion of the assessment.

CONTINUE TO SUPPORT SCENIC ROUTES AND LOOKOUTS

The many advertised scenic routes and lookouts within the Kempsey Shire provide opportunities for the local community and visitors to the shire to experience the beauty of the natural landscape.

Whilst these are generally well maintained and promoted, on-going investment by Council and other land managers (such as NSW National Parks Services) will ensure that these experiences and journeys are maintained to a high quality and continue to support the appreciation of the Shire's natural and scenic landscapes.

Additional wayfinding signage along scenic routes would also enhance the visitor experience.

Appropriate design interventions in areas experiencing over-use and the impacts of over-tourism should be considered where visitor access is degrading the existing environmental values (e.g. Little Nobby) to manage these impacts. This can include signage to inform and educate visitors of the values requiring protect and encourage responsible recreation and tourism.

8. Objective criteria for scenic amenity values and development

The development of objective criteria for the protection of scenic amenity values within Kempsey Shire has been informed by the need to:

+ Provide additional guidance and a consistency of approach to the protection and management of scenic amenity values within the Kempsey Shire
+ Acknowledge where scenic amenity values exist in addition to other environmental values (such as biodiversity and cultural heritage values)
+ Describe the key attributes of landscapes requiring protection for their scenic value to assist developers and Council understand what is special and requires protection
+ Be informed by the communities cultural and social values and place attachments
+ Acknowledge significant views and landscape features.

8.1. How do other Local Governments manage scenic amenity?

Two examples highlighting different approaches to managing potential impacts of scenic amenity values are provided below:

Draft Scenic Landscape Strategy (Tweed Shire Council, 2019)

The draft *Tweed Scenic Landscape Strategy* is a comprehensive document that focuses on protecting and managing scenic landscapes seen from publicly accessible locations and provides detailed GIS analysis of viewsheds as seen from the 51 high priority views were across the Tweed. The strategy includes several Scenic Management Principles (SMPs) that were established to protect and manage the unique and diverse scenic landscapes identified within the report. The SMPs are based on the community's scenic values and seek to achieve the following five principles:

1. Protect, restore and create views from public places
2. Protect and complement scenic character and integrity
3. Retain and restore unique landforms in their natural state
4. Manage vegetation
5. Avoid key feature disruption

Each of these principles is supported by a goal and several aspects to consider to achieve the desired outcomes.

Gladstone Regional Council Scenic Amenity Overlay (Gladstone Regional Council, 2017)

The Gladstone Regional Council Scenic Amenity Overlay code applies to development where the code is identified as applicable in the table of assessment for the Scenic amenity overlay code. The purpose of the code is to ensure that development in areas of high scenic amenity is sited and designed to minimise adverse impacts on those scenic amenity values. The purpose of the code will be achieved through the following overall outcomes:

+ Development avoids areas of high scenic amenity, or, is sited and designed to minimise the impact on the scenic qualities of the area to the maximum extent possible.
+ The scenic qualities of headlands, landmarks and lookouts are not diminished by inappropriate development.
+ Development avoids or minimises adverse impacts on the scenic amenity of important views and vistas.

For the purpose of this code 'scenic amenity' is defined as '*a measure of the relative contribution of each place in the landscape to the collective appreciation of open space as viewed from places that are important to the public*'.

The code contains a number of Performance Outcomes and Acceptable Outcomes relevant to accepted development subject to requirements and assessable development.

8.2. Kempsey Shire Objective Criteria for Scenic Amenity Values and Development

The following overarching principles and desired outcomes are proposed to guide the management of scenic amenity values within the Kempsey Shire:

1. Limit visual encroachment of development within visually sensitive areas in urban environments
    a. Ensure built form, massing, scale, materiality and articulation of buildings, rooflines and structures complements the existing character of the of settlements within the region.
    b. Avoid development that disrupts established skylines and building height envelopes. Where not possible, implement mitigation measures to minimise the contrast and visibility of development.
    c. Avoid development that detracts from dominant landscape elements that contribute to the amenity, setting and identity of settlements within the region.
    d. In towns and villages where the existing scenic amenity values rely heavily on a predominantly natural undeveloped landscape character, new development should be undertaken in a manner which maintains or enhances the dominance of this character.
    e. Manage edge effects to avoid adverse impacts on the scenic integrity of adjoining or nearby landscapes.
2. Improve the visual quality and amenity of existing urban environments
    a. Identify opportunities to increase tree canopy cover within towns and villages, considering appropriate species, scale and location and complementing the existing character of the settlement.
    b. Promote the retention of vegetation on private lots and encourage the provision of shade and habitat trees within new developments.
3. Maintain the high degree of intactness and perception of the natural landscape quality
    a. Protect the integrity of vegetated areas, with particular emphasis on the protection of vegetation along visually significant ridgelines and waterway corridors.
    b. Avoid development that fragments the intactness of natural and cultural landscape features.
    c. Minimise impacts and changes to landform, and ensure redesigned landforms are sympathetic to the natural terrain.
    d. Consider the potential for cumulative visual impacts.
4. Protect the landscape settings of key landscape features and landmarks
    a. Ensure the design, siting and management of development visible from public viewing locations to key landscape features (such as Barralbarayi and the Macleay River) contributes to or blends with existing visual elements of the landscape and does not detract from the overall quality of the landscape setting.
5. Celebrate views from scenic routes and lookouts within the region
    a. Ensure development within key view corridors does not detract from the existing landscape character and visual context of the view, for example:
        i. Within urban areas, ensure development is consistent with the existing built form character, scale and materiality and does not obscure views to key landscape elements evident within the view.
        ii. Within rural areas ensure development is consistent with the rural landscape character and its supported uses.
        iii. Within natural areas (such as views from within national parks across a largely undeveloped landscape) ensure development is not visually obtrusive and does not detract from the intactness of visually significant areas and the sense of remoteness experienced (e.g. Collombatti Lookout).
    b. Avoid siting structures and other dominant visual elements with the central line of sight to landscape features of sight or foreground of views visible from public viewing situations.
    c. Maintain and improve accessibility, quality and visibility of scenic attractions within the region, including through additional wayfinding and route signage.
    d. Seek to provide additional viewing opportunities and enhance the quality of the landscape from scenic routes and along active transport networks where appropriate.

9. Conclusions

This review has concluded that the current *Scenic Protection Land Map* does not adequately identify and protect the scenic amenity values within the Kempsey Shire acknowledged in current legislation and as identified in consultation with local communities and through fieldwork investigations undertaken to support this study.

Key issues identified include that:

+ The current mapping does not identify scenic amenity values associated with many other zones identified in the previous and current KLEP 2013, or other areas identified within the DCP 2013 as having scenic amenity values requiring protection.
+ The current mapping does not consistently identify areas of high scenic amenity throughout the shire.

On the basis of targeted fieldwork specifically undertaken for this study (informed by desktop assessment), recommendations have been provided for the review of the extent of the current 'Scenic Protection Area' mapping to better represent and more consistently enable the ongoing protection of areas identified as having high scenic amenity value in planning and policy documents. Broadly, the following areas have been identified as having high scenic amenity value within the Kempsey Shire:

+ Forested and rural mountains, hills and ridgelines
+ Coastal beaches, dunes, cliffs and headlands (including karst landscapes)
+ Rivers and waterways
+ Rural and natural floodplains and wetlands.

Additional recommendations are also included, such as the preparation of a landscape character assessment for the Kempsey Shire to support Council, landowners, land managers, developers, business and community to consistently identify and evaluate the visual values associated with the landscapes of the Kempsey Shire and ensure their protection or enhancement through strategic planning and development assessment processes and other effective management responses and the ongoing support and development of infrastructure to support scenic lookouts and routes throughout the region.

Whilst this report seeks to identify key areas considered to be of scenic amenity value that are currently unmapped, it is acknowledged that a fully comprehensive scenic amenity study has not been undertaken as part of this project (based on GIS analysis, visual exposure mapping and community consultation to determine scenic preference values) and the identification of these areas through mapping was not included within the scope of this study.

It is also acknowledged that due to the scope and limitations of this review, there may be additional areas of unmapped scenic amenity value within the Kempsey Shire (e.g. within more remote, rural and natural areas) that have not been identified within the recommendations of this report that are worthy of protection on account of their scenic value. It is anticipated that the identification of any further areas for consideration of inclusion in the *Scenic Protection Land Map* would be informed by community consultation. Additionally, these areas are considered to currently be experiencing limited development pressure.

The findings and recommendations of this review will need to be considered by Council, who will determine how these recommendations will be considered, addressed or implemented (e.g. through an amendment to the DCP, or the introduction of a new strategy etc.) to ensure the ongoing protection and management of potential impacts on the significant visual values of the Kempsey Shire.

Additionally, due to the somewhat subjective nature of scenic preference and scenic amenity values, the preparation of site-specific scenic amenity assessments prepared by a qualified landscape architect or planner experienced in identifying scenic amenity values may be required to support development applications and to assist Council in its determinations in areas identified within the 'Scenic Protection Area' mapping layer and the recommendations of this report.

References

Art Gallery of NSW, 2021. *Sunset over the Macleay overlooking Euroka - 1990*. [online]. Available at: https://www.artgallery.nsw.gov.au/collection/works/285.1997/#places. Accessed 06/09/2021.

Coastal Council, 2003. *Coastal Design Guidelines for NSW*. [online]. Available at: https://www.planning.nsw.gov.au/~/media/Files/DPE/Guidelines/coastal-design-guidelines-for-nsw-2003-02.ashx. Accessed 17/08/2021.

Commonwealth of Australia, 2019. The goanna spirit on Anderson Sugarloaf Mountain - This Place. [online]. Available at: https://www.indigenous.gov.au/news-and-media/stories/goanna-spirit-anderson-sugarloaf-mountain-place. Accessed 19/04/2022.

Destination NSW, 2021. *Coast to Country.* [online]. Available at: https://www.visitnsw.com/things-to-do/drives-and-road-trips/coast-to-country. Accessed 02/09/2021.

Destination NSW, 2021. *Legendary Pacific Coast*. [online]. Available at: https://www.visitnsw.com/things-to-do/drives-and-road-trips/legendary-pacific-coast. Accessed 02/09/2021.

Dunghutti-Ngaku Aboriginal Art Gallery, 2011. *The region*. [online]. Available at: https://dnaag.com.au/about-us/the-region/. Accessed 06/09/2021.

Kempsey Shire Council, 2021. *Aboriginal community*. [online]. Available at: https://beta.kempsey.nsw.gov.au/Council-community/Our-community/Aboriginal-community. Accessed 06/09/2021.

Kempsey Shire Council, 2018. *Crescent Head Community Catch Up 2019*. [online]. Available at:https://ehq-production-australia.s3.ap-southeast-2.amazonaws.com/8481fb4b53f9c623be3de9ee6af21a876f9fa35f/original/1623901113/e4551cab7e95d15d69d3702a6c9f4700_CH_Council_Catch_up_feedback_25_Sept__-_LSPS_session.pdf?X-Amz-Algorithm=AWS4-HMAC-SHA256&X-Amz-Credential=AKIAIBJCUKKD4ZO4WUUA%2F20220307%2Fap-southeast-2%2Fs3%2Faws4_request&X-Amz-Date=20220307T041003Z&X-Amz-Expires=300&X-Amz-SignedHeaders=host&X-Amz-Signature=d632328c9a9f3801c50b60b52efeb6827ab9bc087e0a02f822a672a7ff76ab25. Accessed 01/03/2022.

Kempsey Shire Council, 2018. *Feedback Report - Hat Head Community Catch Up March 2019.* [online]. Available at: https://ehq-production-australia.s3.ap-southeast-2.amazonaws.com/aead30e9b9eae7ed84ecc91642a83b8e38b62c11/documents/attachments/000/103/578/original/Hat_Head_Summary_Report_for_Your_Say.pdf?X-Amz-Algorithm=AWS4-HMAC-SHA256&X-Amz-Credential=AKIAIBJCUKKD4ZO4WUUA%2F20220307%2Fap-southeast-2%2Fs3%2Faws4_request&X-Amz-Date=20220307T041158Z&X-Amz-Expires=300&X-Amz-SignedHeaders=host&X-Amz-Signature=82d96903ca3855cc276142f12a5ccb69dde3b84942d403ddce670358b241da21. Accessed 01/03/2022.

Kempsey Shire Council, 2018. *Feedback Report - Willawarrin Community Catch Up December 2018.* [online]. Available at: https://yoursay.macleay.nsw.gov.au/42079/widgets/226682/documents/95076. Accessed 01/03/2022.

Kempsey Shire Council, 2021. *Frederickton Summary 21st April 2021*. [online]. Available at: https://ehq-production-australia.s3.ap-southeast-2.amazonaws.com/f43fa065f9447a8b8f566d1b51a6fdf1056bfb07/original/1623377919/3cae6d1126967d15cc120a4f1136bab4_Frederickton_Catch-Up_21st_April_2021__final__04062021.pdf?X-Amz-Algorithm=AWS4-HMAC-SHA256&X-Amz-Credential=AKIAIBJCUKKD4ZO4WUUA%2F20220307%2Fap-southeast-

2%2Fs3%2Faws4_request&X-Amz-Date=20220307T041459Z&X-Amz-Expires=300&X-Amz-SignedHeaders=host&X-Amz-Signature=82c30fd17818d2e648a57517dd831be954015c22514a2ba12e42bac8c16d5e36. Accessed 01/03/2022.

Kempsey Shire Council, 2021. *Gladstone and Smithtown Community Catch-Up 21 Oct 2021*. [online]. Available at: https://ehq-production-australia.s3.ap-southeast-2.amazonaws.com/0c35d2b104ab6edfb4d975c168c98db111172f80/original/1636497105/b5a944a22df6dd840a82596268603eb6_GLADSTONE_COMMUNITY_CATCH_UP_SUMMARY_REPORT_10112021.pdf?X-Amz-Algorithm=AWS4-HMAC-SHA256&X-Amz-Credential=AKIAIBJCUKKD4ZO4WUUA%2F20220419%2Fap-southeast-2%2Fs3%2Faws4_request&X-Amz-Date=20220419T021653Z&X-Amz-Expires=300&X-Amz-SignedHeaders=host&X-Amz-Signature=10fc6829cfb2c96ec9489374cc192f58439566bdd31f5c580be56ca1edc3dbab. Accessed 17/08/2021.

Kempsey Shire Council, 2018. *Feedback Report – Gladstone/Smithtown Community Catch-Up September 2018.* [online]. Available at: https://ehq-production-australia.s3.ap-southeast-2.amazonaws.com/0c35d2b104ab6edfb4d975c168c98db111172f80/original/1636497105/b5a944a22df6dd840a82596268603eb6_GLADSTONE_COMMUNITY_CATCH_UP_SUMMARY_REPORT_10112021.pdf?X-Amz-Algorithm=AWS4-HMAC-SHA256&X-Amz-Credential=AKIAIBJCUKKD4ZO4WUUA%2F20220419%2Fap-southeast-2%2Fs3%2Faws4_request&X-Amz-Date=20220419T021653Z&X-Amz-Expires=300&X-Amz-SignedHeaders=host&X-Amz-Signature=10fc6829cfb2c96ec9489374cc192f58439566bdd31f5c580be56ca1edc3dbab. Accessed 17/08/2021.

Kempsey Shire Council, 2013. *Kempsey Local Environmental Plan 2013*. [online]. Available at: https://www.kempsey.nsw.gov.au/development/klep/index.html. Accessed 17/08/2021.

Kempsey Shire Council, 2013. *Kempsey Development Control Plan 2013*. [online]. Available at: https://www.kempsey.nsw.gov.au/development/kdcp/index.html. Accessed 17/08/2021.

Kempsey Shire Council, 2017. *Macleay Valley 2026 Community Strategic Plan*. [online]. Available at: file:///D:/Downloads/community-strategic-plan-June-2017.pdf. Accessed 11/03/2022.

Kempsey Shire Council, 2018. *South West Rocks Community Catch Up Summary Report 2018*. [online]. Available at: https://s3-ap-southeast-2.amazonaws.com/ehq-production-australia/17dc815e0ef0f26d367eadeede9c6240a4274ab5/documents/attachments/000/079/324/original/SWR_Summary_Report.pdf?1527841050. Accessed 01/03/2022.

Kempsey Shire Council, 2021. *Stuarts Point Summary 13th May 2021*. [online]. Available at: https://ehq-production-australia.s3.ap-southeast-2.amazonaws.com/7e17749b21acd7a46ddc7b91e39c6131320e90d7/original/1623384840/27fac4661530067dd4c122ceea21b728_Stuarts_Point_Catch_Up_Summary_FINAL.pdf?X-Amz-Algorithm=AWS4-HMAC-SHA256&X-Amz-Credential=AKIAIBJCUKKD4ZO4WUUA%2F20220307%2Fap-southeast-2%2Fs3%2Faws4_request&X-Amz-Date=20220307T041418Z&X-Amz-Expires=300&X-Amz-SignedHeaders=host&X-Amz-Signature=14e1c425dde4ac3c65051cf0abe01f67f04248e0aba03aec6d1a245d971b3c65. Accessed 01/03/2022.

Kempsey Shire Council, 2020. *Your Future Macleay – Growth and Character – Local Strategic Planning Statement*. [online]. Available at: https://www.kempsey.nsw.gov.au/corporate/publications/plans-and-strategies/local-strategic-planning-statement/pubs/local-strategic-planning-statement.pdf. Accessed 17/08/2021.

Macleay Valley Coast, 2021. *Willi Willi*. [online]. Available at: https://macleayvalleycoast.com.au/locations/willi-willi/. Accessed 24/08/2021.

Macleay Valley Coast, 2021. *Yarrahapinni*. [online]. Available at: https://macleayvalleycoast.com.au/locations/yarrahapinni/. Accessed 24/08/2021.

Micromex Research, 2020. *Kempsey Shire Council Community Research*. [online]. Available at: https://ehq-production-australia.s3.ap-southeast-2.amazonaws.com/0f2289afbf0543fa246b88229b0a4a60494e40f8/documents/attachments/000/143/677/original/Presentation_-_Kempsey_-Micromex_survey_results_2020.pdf?X-Amz-Algorithm=AWS4-HMAC-SHA256&X-Amz-Credential=AKIAIBJCUKKD4ZO4WUUA%2F20220228%2Fap-southeast-2%2Fs3%2Faws4_request&X-Amz-Date=20220228T232415Z&X-Amz-Expires=300&X-Amz-SignedHeaders=host&X-Amz-Signature=1064634eef09435f5fbcd9761f6b7ae5b93c59dd7fc55c609b226dd587059ea6 . Accessed 01/03/2022.

NSW Government, 2021. *Long Gully*. [online]. Available at: https://www.hms.heritage.nsw.gov.au/App/Item/ViewItem?itemId=5062947. Accessed 06/09/2021.

NSW Government, 2021. *Burrel Bulai*. [online]. Available at: https://www.hms.heritage.nsw.gov.au/App/Item/ViewItem?itemId=5062858. Accessed 06/09/2021.

NSW Government, 2021. *Kinchela Aboriginal Boys Home*. [online]. Available at: https://www.hms.heritage.nsw.gov.au/App/Item/ViewItem?itemId=5062907. Accessed 06/09/2021.

NSW Government, 2017. *North Coast Regional Plan 2036*. [online]. Available at: https://www.planning.nsw.gov.au/-/media/Files/DPE/Plans-and-policies/north-coast-2036-regional-plan-2017.pdf?la=en. Accessed 17/08/2021.

NSW Government, 2009. *Mid North Coast Regional Strategy*. [online]. Available at: https://www.planning.nsw.gov.au/~/media/Files/DPE/Strategy-documents/mid-north-coast-regional-strategy-2006-to-2031-2009-03.ashx. Accessed 17/08/2021.

NSW Government, 2018. *State Environmental Planning Policy* . [online]. Available at: https://legislation.nsw.gov.au/view/whole/html/inforce/current/epi-2018-0106. Accessed 04/03/2022.

NSW Government, Department of Planning and Environment (DPE), 2021. *South West Rocks Creek*. [online]. Available at: https://www.environment.nsw.gov.au/topics/water/estuaries/estuaries-of-nsw/south-west-rocks-creek. Accessed 04/03/2022.

NSW Government, Department of Planning, Industry and Environment (DPIE), 2019. Gondwana Rainforests of Australia. [online]. Available at: https://www.environment.nsw.gov.au/topics/parks-reserves-and-protected-areas/types-of-protected-areas/world-heritage-listed-areas/gondwana-rainforests-of-australia. Accessed 06/09/2021.

Paul Rands, 2021. *Tourist Drive 12*. [online]. Available at: http://www.expressway.online/gallery/roads/nsw/numbered/touristdrives/td12_northcoast/index.html. Accessed 20/08/2021.

Queensland Government, 2018. *Determining scenic preference in the coastal zone*. [online]. Available at: https://www.qld.gov.au/__data/assets/pdf_file/0019/119710/gl-cd-scenic-preference-coastal-zone.pdf. Accessed 20/08/2021.

Tweed Shire Council, 2019. *Draft Scenic Landscape Strategy Overview*. [online]. Available at: https://ehq-production-australia.s3.ap-southeast-2.amazonaws.com/91ee4e85e3bd3dfa88af50ba22c1351f29bc7b3a/documents/attachments/000/103/337/original/Overview_of_the_Draft_Strategy.pdf?X-Amz-Algorithm=AWS4-HMAC-SHA256&X-Amz-Credential=AKIAIBJCUKKD4ZO4WUUA%2F20220307%2Fap-southeast-2%2Fs3%2Faws4_request&X-Amz-Date=20220307T043440Z&X-Amz-Expires=300&X-Amz-SignedHeaders=host&X-Amz-Signature=baf37efffef7902f2ba810426fdef258c3f2bbe59d617204578e310024d372c6. Accessed 07/03/2022.

Tweed Shire Council, 2019. *Tweed Scenic Landscape Strategy Draft for Public Exhibition*. [online]. Available at: https://ehq-production-australia.s3.ap-southeast-

2.amazonaws.com/cd8e7da25a7949c57a9c222ebe1f2a3d0958cbb9/documents/attachments/000/103/331/original/Draft_Scenic_Landscape_Strategy_-_On_Exhibition_17_April_2019.pdf?X-Amz-Algorithm=AWS4-HMAC-SHA256&X-Amz-Credential=AKIAIBJCUKKD4ZO4WUUA%2F20220307%2Fap-southeast-2%2Fs3%2Faws4_request&X-Amz-Date=20220307T043856Z&X-Amz-Expires=300&X-Amz-SignedHeaders=host&X-Amz-sSignature=622f47c5e5f1128af8d9482d2433c7a9ebdf1af6a7a1c17aec9f99443c8d9a88. Accessed 07/03/2022.

Water Technology, 2022. *Projects: Saltwater Creek Coastal Management Program – State 1*. [online]. Available at: https://www.watertech.com.au/projects/saltwater-creek-coastal-management-program-stage-1/. Accessed 04/03/2022.