



27 October 2008

Our Ref: 6096

Department of Lands  
98 Victoria Street  
PO Box 440  
TAREE NSW 2430

Attention: Mr Bob Birse

Dear Bob,

Re: Public Access to Hastings River foreshore  
MP06-0212 "Riverpark Estate Sancrox" Sancrox Road

I refer to our recent discussions regarding the redevelopment of the abovementioned rural residential estate and its relationship with the Hastings River foreshore. We also aim to meet with you shortly to discuss these matters in greater detail.

We are currently in the position of having lodged our Part 3A Major Project application with the Department of Planning for re-subdivision of the existing rural residential estate. The subdivision is intended as a community title development, which has been required to enable the re-subdivision of what is an existing estate controlled by over 80 land-owners. A copy of the current subdivision layout is attached for your reference.

Port Macquarie-Hastings Council and the Department of Planning have written to us requesting more information in relation to the provision of public access to the neighbouring foreshore areas of the Hastings River, and its tributary Haydons Creek. These comments largely relate to the objectives of State Environmental Planning Policy No. 71 – Coastal Protection, namely:

*(b) to protect and improve existing public access to and along coastal foreshores to the extent that this is compatible with the natural attributes of the coastal foreshore, and*

*(c) to ensure that new opportunities for public access to and along coastal foreshores are identified and realised to the extent that this is compatible with the natural attributes of the coastal foreshore, and*



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Our proposal includes the retention of existing available public access to the foreshore, as well as the provision of long-term access via the proposed internal roadways. These roadways are likely to remain as private roads in initial stages of the development, but are to be constructed to public road standard. It would be the land-owners' intention to have these roads dedicated to Council as public assets upon completion of the overall staged subdivision.

Because of initial concerns in relation to how our subdivision was to be staged, the planning officers at Port Macquarie-Hastings Council had made the following comments in relation to public access:

***"Public Access***

*As the proposal involves significant redevelopment of the site, it is considered necessary to provide practical public access (vehicular and non vehicular) to and along the foreshore of Haydons Creek and the Hastings River. In this regard the proposal is not considered to provide suitable public access and is considered to be inconsistent with State Environmental Planning Policy 71 – Coastal Protection. The delay of proposed walkways, restoration and public improvements along the foreshore after release of allotments is not considered to appropriately secure public access. Public improvements on the foreshore should be provided in initial stage of development in consultation with the Department of Lands."*

We have since developed a revised subdivision staging strategy which has met with in-principle approval from Council officers. To that end, we have also proposed that existing public access available from Bengal Street should be sufficient to meet the objectives of SEPP #71 for initial stages of the subdivision proposal.

This too has met with in-principle support from Council, provided that we consult with the Department of Lands directly on this issue, hence our intended meeting with you later this week.

In addition, our overall redevelopment plans include application for "concept approval" for recreational facilities on community land and adjacent foreshore reserves. In this regard, the concept application suggests a possible boat-ramp and associated facilities within the Hastings River crown reserve in the longer term.

One of the land-owners, Dr. Adrian Smith in fact wrote to the Department about this issue in 3<sup>rd</sup> April 2008. Dr. Smith's letter is attached for your records. It is to be noted that this original letter discussed the possibility of two boatramps, rather than the single ramp discussed in our formal application to the Department.

Notwithstanding, in relation to these concept items of the proposal, the Department of Planning made the following comments:

**7. Proposed works within Crown reserves.**

In accordance with clauses 8F (1) & (2) of the *Environmental Planning and Assessment Regulation 2000* the proponent should obtain the consent of the Department of Lands, prior to determination of the application, for the works proposed to be undertaken within the Crown Reserves along the Hastings River and Haydons Creek (walkways, cycleways, jetties and wharves). Proposed walking trails are shown on sheet 8 'Plan of Proposed Subdivision with Access Strategy' in Appendix D of the EA. Walkways or walking trails, jetties, boat ramps and picnic areas within the waterfront reserves are also referred to elsewhere in the EA (refer to Executive Summary, and to p. 55 and the letter dated 3 April 2008 in Appendix N).

While formal approval of these works is not currently being sought, your preliminary comments and/or recommendations in relation to these items would also be appreciated.

At the time of writing, it is understood that Dr. Smith has made tentative arrangements to meet with you later this week. We hope to clarify the above issues with you then.

Should you be in a position to confirm the Department's understanding of the abovementioned matters to us in writing, it would be appreciated. This would enable us to progress the matter with the Port Macquarie-Hastings Council and Department of Planning.

Should you have any queries with respect to the above please do not hesitate to contact me.

Yours faithfully,

Andrew Lister  
Town Planner

cc        client  
encl     as referenced above