



Department of
Infrastructure, Planning and Natural Resources

Mr Andrew Campbell
King and Campbell Pty Ltd
P O Box 243
PORT MACQUARIE NSW 2444

G91/00183

Dear Mr Campbell

I refer to your letter of 4 May 2005 concerning proposed development of land at Ocean Drive Lake Cathie and a meeting with representatives of your company on 16 March. I understand the land in question includes the 100 metre buffer zone to an area of littoral rainforest designated under State Environmental Planning Policy No 26 (SEPP 26).

Your letter advises that your company's representative obtained the opinion from the meeting that a merit-based approach to determining the buffer width and structure would be acceptable to the Department, and that SEPP 26 did not require the buffer to be 100 metres in width.

The 100 metre buffer zone is a statutory requirement within which the concurrence of the Director-General of the Department is required for development, as well as the consent of the Council. Whilst it cannot be varied, land uses within the buffer area may be negotiated, provided the proposed uses meet the objectives of SEPP 26. You are aware that consideration has been given to a road within the buffer area in this instance, but I am advised that no other land uses have been canvassed at this stage.

The Hastings Council is in the process of preparing an environmental study for this area. If limited development within the buffer area is desirable, the issue may be considered by the Council in the environmental study process. I suggest that the suggestions in this regard which you mention in your letter, be passed on to the Council. In particular it is appropriate that the scientific analysis you have undertaken be made available to Hastings Council in the first instance so that a justification can be made (or otherwise) for the extent of development within the buffer area.

The planning legislation does not provide for "compensation" to be paid in regard to decisions made by councils or Government concerning land use zoning.

I would appreciate it if you could continue to liaise with the Department's North Coast Office concerning progress of your proposals in the area. I have arranged for Mr Steve Murray, Deputy Regional Director to assist you. Mr Murray may be contacted at the Department's Grafton Office on telephone number 6640 2000.

Yours sincerely

Sam Haddad
Deputy Director General