



New South Wales

Willoughby Local Environmental Plan 1995 (Amendment No 52)

under the

Environmental Planning and Assessment Act 1979

I, the Minister Assisting the Minister for Infrastructure and Planning (Planning Administration), make the following local environmental plan under the *Environmental Planning and Assessment Act 1979*. (S02/02145/S69)

DIANE BEAMER, M.P.,

Minister Assisting the Minister for Infrastructure
and Planning (Planning Administration)

2004 No 105

Clause 1 Willoughby Local Environmental Plan 1995 (Amendment No 52)

Willoughby Local Environmental Plan 1995 (Amendment No 52)

under the

Environmental Planning and Assessment Act 1979

1 Name of plan

This plan is *Willoughby Local Environmental Plan 1995 (Amendment No 52)*.

2 Aims of plan

The aims of this plan are:

- (a) to extend and relocate foreshore building lines under *Willoughby Local Environmental Plan 1995* (the ***principal plan***) and to allow additional uses below foreshore building lines, and
- (b) to protect certain environmentally sensitive land by restricting dual occupancy development on the land to that which involves only internal alterations to an existing dwelling-house with minimal or no change to the external envelope of the dwelling-house (as allowed with the consent of Willoughby City Council under clause 27 (1) (a) of the principal plan), and
- (c) to insert into the principal plan a savings and transitional provision with respect to development applications lodged, but not finally determined, before the commencement of this plan.

3 Land to which plan applies

The amendments made by this plan apply to land situated in the Willoughby local government area, being:

- (a) to the extent the amendments implement the aim referred to in clause 2 (a), all land in Castle Cove, Middle Cove, Castlecrag, Northbridge and Lane Cove which fronts a foreshore reserve or the foreshore, as shown on the map marked "Willoughby

Local Environmental Plan 1995 (Amendment No 52)—
Sheets 12a–12g” deposited in the office of Willoughby City
Council, and

- (b) to the extent the amendments implement the aim referred to in clause 2 (b), the land shown edged heavy black on sheet 1 of that map, and
- (c) to the extent that the amendments implement the aim referred to in clause 2 (c), to the land to which *Willoughby Local Environmental Plan 1995* applies.

4 Amendment of Willoughby Local Environmental Plan 1995

Willoughby Local Environmental Plan 1995 is amended as set out in Schedule 1.

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Schedule 1 Amendments

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(Clause 4)

[1] Clause 5 Definitions

Insert in appropriate order in the definition of *land excluded from dual occupancy provisions map* in clause 5 (1):

Willoughby Local Environmental Plan 1995 (Amendment No 52)—Sheet 1

[2] Clause 13B

Insert after clause 13A:

13B Savings and transitional provision

A development application lodged with the Council, but not finally determined, before the commencement of *Willoughby Local Environmental Plan 1995 (Amendment No 52)* is to be determined as if that plan had been exhibited under the Act but had not been made.

[3] Clause 16

Omit clause 16. Insert instead:

16 Foreshore building line

(1) In this clause:

foreshore land means land between a water body and the dominant ridgeline that faces the water body.

modified foreshore land means foreshore land:

- (a) on which the natural vegetation structure has been substantially altered or removed, or
- (b) the topography of which has been substantially modified by human development, such as excavation, retaining walls or similar structures.

natural foreshore land means foreshore land:

- (a) on which the natural vegetation remains or, if altered, is still representative of the structure and floristics of natural vegetation, or

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- (b) the topography of which has not been substantially altered by human development.
- (2) The objectives of this clause are:
- (a) to preserve and enhance the natural features and vegetation of those localities where the land meets or is in close proximity to the water, and
 - (b) to encourage the protection and regeneration of land which forms an integral part of the foreshore setting by controlling new development, and
 - (c) to promote a consistent application of foreshore building lines in comparable situations according to the characteristics of sites and foreshores in the localities concerned and with regard to the objectives set out below:
 - (i) for natural foreshore land—to ensure that development retains the characteristics of the natural environment and scenic quality of the foreshores of Lane Cove River, and Middle Harbour and its tributaries, where they are in a predominantly natural state, and
 - (ii) for modified foreshore land—to ensure that the siting of development provides an area which is left clear of buildings and structures, so as to protect the environment and the amenity and scenic quality of the foreshores of Lane Cove River, and Middle Harbour and its tributaries, where they are predominantly developed, and
 - (iii) for residents of foreshore land—to control the siting of buildings and structures on the foreshores of Lane Cove River and Middle Harbour and its tributaries so that the amenity and views of foreshore residents are preserved.
- (3) Foreshore building lines are shown by red lines on sheets 12a, 12b, 12c, 12d, 12e, 12f and 12g of the map marked “Willoughby Local Environmental Plan 1995 (Amendment No 52)”.

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Schedule 1 Amendments

- (4) Except with the consent of the Council granted in accordance with subclause (5), a building must not be erected and work must not be carried out between a foreshore building line and the bay, creek, harbour, river, lake or lagoon in respect of which the line is fixed.
- (5) The Council may, after considering the probable aesthetic appearance and environmental impact of the proposed structure or work in relation to the foreshore, consent to the erection of:
 - (a) single storey structures, such as boatsheds and jetties, that have a direct functional relationship with the water, or
 - (b) inclinators, stairs or other structures designed to provide pedestrian access to the waterway, or
 - (c) structures such as swimming pools below or at the surface of the ground, barbecues, pergolas, retaining walls, public amenities and garden sheds,between a foreshore building line and the bay, creek, harbour, river, lake or lagoon in respect of which the line is fixed.

BY AUTHORITY
