



NEWSLETTER OF THE CASTLECRAG PROGRESS ASSOCIATION Inc.

No. 98

Seventy one years of community development

March 1995

ISSN 0814 - 2054

The Annual General Meeting of the Castlecrag Progress Association will be held on Sunday 19th March at the Community Centre at 2.30pm. The Guest Speaker will be Joyce Batterham, talking of her life in Castlecrag. Afternoon tea will be served. The playground will be open. All welcome.

President's Report

Over the past two years **Draft Local Environment Plan No.65 (LEP) for the City of Willoughby** has been the subject of extensive consultation, via exhibition and public meetings.

The residential provisions include a section for the **Foreshore Building Line (FBL)**. The objectives of the line are stated in clause 18(1):

- preservation and enhancement of the natural features and vegetation of the area where the land meets or is in close proximity to the water; and
- restoration of the land below the foreshore building line to its natural state, with minimum intrusion of manmade structures.

The draft LEP sets out how the FBL shall be portrayed on a map. It also states (clause 18/3)) that a building shall not be erected and land shall not be used between a foreshore building line and the bay, creek, harbour, river, lake or lagoon in respect of which the line is fixed. However, subject to conditions, Council may (clause 18(4)) allow erection of boat sheds, wharves, jetties, retaining walls, inclinators or swimming pools below the FBL.

Because there appears to be a lot of misunderstanding and misinformation about the FBL, the Castlecrag Progress Association Committee offers the following information. All the material has been verified by Mr Alex Sarno, Council's Manager, Strategic Planning.

- A FBL is a development standard in a planning instrument such as a local environment plan (LEP) or development control plan (DCP);
- FBLs have been adopted in many parts of Sydney and have been in use for at least 25 years;
- In Willoughby, the first FBL was adopted by Council resolution in 1970, for Dorset Road, Northbridge;
- This was followed by the Tor Walk 1970 by Council resolution;
- In 1980, Council adopted a preliminary FBL for Sugarloaf Crescent, to be confirmed by the Local Environmental Study (LES);
- FBLs for other areas of Castlecrag were a result of the LES and were adopted by Council in April 1985 and incorporated into LEP No.25, gazetted in August 1986;

- The position of the FBL has not been changed since its adoption, nor is it proposed in Draft LEP 65. Because it was shown in the LEP 25 in the wrong colours and hatching, LEP 25 was amended in 1989 to correct this drafting anomaly. The position was not altered. During preparation of Draft LEP 65 there was slight adjustment to the line on the Northern Escarpment, in order to clarify its position. Residents were notified. No new lines were established.
- The FBL is **not** a resumption of land. Land remains in private ownership.
- Reference to "the land shall not be used" means **used in an adverse manner**. It shall not be built upon except as permitted in 18(4).
- There is **no** onus on residents to restore land below FBL. The objectives are not regulations.
- All purchasers are notified of the FBL on their Section 149 Certificate from Council. Prior to formal adoption, purchasers were notified that their properties might be subject to a FBL;
- The FBL can be varied. In the past Council has had this discretion. Under LEP 65, the Minister for Planning has the power to vary the line via a site-specific LEP.
- Council allows repair and maintenance of structures existing prior to adoption of the FBL. It has never required their demolition.
- **The Local Environmental Study for Castlecrag 1982.** This study arose out of concern that the character of Castlecrag was being altered by the scale of new development. The aim of its recommendations was to preserve and enhance the character of the suburb. The LES was prepared by a committee of Council and local residents. Affected residents were notified by Council and *THE CRAG* of intention, progress and exhibition. They were invited to apply for membership of that committee or to attend its public meetings during 1981-1982. The study was publicly exhibited in 1982 in vacant shops in The Quadrangle Shopping Centre and Council Chambers and comment was invited.

- The FBL has been upheld by the courts.
- **In summary, the FBL is not a resumption of land, nor does it stop residents using their backyards for normal family recreation. It has been in place for almost 10 years, in some places longer. It was adopted after wide public consultation, exhibition and opportunity to comment.**
- Building below the FBL is regarded as an adverse use and is prevented. However, subject to conditions, Council may permit erection of boat sheds, wharves, jetties, swimming pools, inclinators or retaining walls, or their repair and maintenance. Repair and maintenance of structures existing prior to the lines adoption is also permitted.
- **The FBL is an important mechanism to prevent visual and ecological degradation of the natural environment which is such an important part of Castlecrag. Without the protection of the FBL the values which attracted many of us to live in this wonderful suburb would be lost. Castlecrag would become just another overdeveloped part of Sydney.**

Elizabeth Lander 958 5384

Dates for your diary

AGM: Sunday 19 March 2.30pm

Heritage Week 2-9 April:

1. **Foreshore Cottages open for morning and afternoon tea Sunday 2 April**
2. **Heritage and bushland walks**
3. **Bus tour of Griffin Estate**
(ring Willoughby Library 419 7816 for further information)

Leonard Teale Lookout Memorial:

early May (more information in next Crag)

I/We wish to become members of/renew our membership of/ the Castlecrag Progress Association, for which I/We enclose subscription and/or donation (membership fees are renewable from 1 February each year):

Family \$10; single \$5; fixed income/student/concession \$3

NAME: _____

ADDRESS: _____

Please send to the Treasurer, Diana Jones, Box 6/77 Edinburgh Road, Castlecrag

The Crag is edited on behalf of the Castlecrag Progress Association by Helen Levett (958 3510) and Kerry McKillop (958 4516).