

Model local clauses for Standard Instrument LEPs

General Information

This clause is generally considered suitable for inclusion in Standard Instrument LEPs applying to land in the inner harbour area. In other locations councils should consider whether clause 5.5 & 5.7 are sufficient and otherwise contact the Department to discuss further.

6.4 Development on the foreshore must ensure access [local]

Drafting direction.

The following definition must be included in the Dictionary:

foreshore area means the land between the foreshore building line and the mean high water mark of the nearest bay or river.

foreshore building line means the line shown the foreshore building line on the Foreshore Building Line Map.

Foreshore Building Line Map means the [Name] Local Environmental Plan 2008 Foreshore Building Line Map.

In deciding whether to grant consent for development in the foreshore area, the consent authority must consider whether and to what extent the development would encourage the following:

- (a) continuous public access to and along the foreshore through or adjacent to the proposed development,
- (b) public access to link with existing or proposed open space,
- (c) public access to be secured by appropriate covenants, agreements or other instruments registered on the title to land,
- (d) public access to be located above mean high water mark,
- (e) the reinforcing of the foreshore character and respect for existing environmental conditions,
- (f) management of sea level rise or change of flooding patterns as a result of climate change.