



New South Wales

Wollongong Local Environmental Plan 2009

under the

Environmental Planning and Assessment Act 1979

I, the Minister for Planning, pursuant to section 33A of the *Environmental Planning and Assessment Act 1979*, adopt the mandatory provisions of the *Standard Instrument (Local Environmental Plans) Order 2006* and prescribe matters required or permitted by that Order so as to make a local environmental plan as follows. (S08/01198/PC)

TONY KELLY, MLC
Minister for Planning

2010 No 76

Wollongong Local Environmental Plan 2009

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Wollongong Local Environmental Plan 2009

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Part 1 Preliminary

1.1 Name of Plan

This Plan is *Wollongong Local Environmental Plan 2009*.

1.1A Commencement

This Plan commences on the day on which it is published on the NSW legislation website.

1.2 Aims of Plan

- (1) This Plan aims to make local environmental planning provisions for land in Wollongong in accordance with the relevant standard environmental planning instrument under section 33A of the Act.
- (2) The particular aims of this Plan are as follows:
 - (a) to provide a framework for land use management,
 - (b) to encourage economic and business development to increase employment opportunities,
 - (c) to encourage a range of housing choices consistent with the capacity of the land,
 - (d) to improve the quality of life and the social well-being and amenity of residents, business operators, workers and visitors,
 - (e) to conserve and enhance remnant terrestrial, aquatic and riparian habitats, native vegetation and fauna species,
 - (f) to conserve and enhance heritage,
 - (g) to ensure that development is consistent with the constraints of the land and can be appropriately serviced by infrastructure,
 - (h) to ensure that significant landscapes are conserved, including the Illawarra Escarpment, Lake Illawarra, the drinking water catchment and the coastline.

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Clause 1.3 Wollongong Local Environmental Plan 2009

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1.3 Land to which Plan applies

This Plan applies to the land identified on the Land Application Map.

1.4 Definitions

The Dictionary at the end of this Plan defines words and expressions for the purposes of this Plan.

1.5 Notes

Notes in this Plan are provided for guidance and do not form part of this Plan.

1.6 Consent authority

The consent authority for the purposes of this Plan is (subject to the Act) the Council.

1.7 Maps

- (1) A reference in this Plan to a named map adopted by this Plan is a reference to a map by that name:
 - (a) approved by the Minister when the map is adopted, and
 - (b) as amended or replaced from time to time by maps declared by environmental planning instruments to amend or replace that map, and approved by the Minister when the instruments are made.
- (2) Any 2 or more named maps may be combined into a single map. In that case, a reference in this Plan to any such named map is a reference to the relevant part or aspect of the single map.
- (3) Any such maps are to be kept and made available for public access in accordance with arrangements approved by the Minister.
- (4) For the purposes of this Plan, a map may be in, and may be kept and made available in, electronic or paper form, or both.

Note. The maps adopted by this Plan are to be made available on the official NSW legislation website in connection with this Plan. Requirements relating to the maps are set out in the documents entitled *Standard technical requirements for LEP maps* and *Standard requirements for LEP GIS data* which are available on the Department of Planning's website.

1.8 Repeal of other local planning instruments applying to land

- (1) All local environmental plans and deemed environmental planning instruments applying only to the land to which this Plan applies are repealed.

Note. The following local environmental plans and deemed environmental planning instruments are repealed under this provision:

- (a) *Illawarra Planning Scheme Ordinance*,
 (b) *Wollongong City Centre Local Environmental Plan 2007*.

- (2) All local environmental plans and deemed environmental planning instruments applying to the land to which this Plan applies and to other land cease to apply to the land to which this Plan applies.

1.8A Savings provision relating to pending development applications

If a development application has been made before the commencement of this Plan in relation to land to which this Plan applies and the application has not finally been determined before that commencement, the application must be determined as if this Plan had not commenced.

1.9 Application of SEPPs and REPs

- (1) This Plan is subject to the provisions of any State environmental planning policy and any regional environmental plan that prevail over this Plan as provided by section 36 of the Act.

Note. Section 36 of the Act generally provides that SEPPs prevail over REPs and LEPs and that REPs prevail over LEPs. However, a LEP may (by an additional provision included in the Plan) displace or amend a SEPP or REP to deal specifically with the relationship between this Plan and the SEPP or REP.

- (2) The following State environmental planning policies and regional environmental plans (or provisions) do not apply to the land to which this Plan applies:

State Environmental Planning Policy No 1—Development Standards

State Environmental Planning Policy No 4—Development Without Consent and Miscellaneous Exempt and Complying Development (clause 6 and Parts 3 and 4)

State Environmental Planning Policy No 60—Exempt and Complying Development

Illawarra Regional Environmental Plan No 1.

- (2A) *State Environmental Planning Policy No 71—Coastal Protection* does not apply to land within the Wollongong city centre.

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Clause 1.9A Wollongong Local Environmental Plan 2009

Part 1 Preliminary

1.9A Suspension of covenants, agreements and instruments

- (1) For the purpose of enabling development on land in any zone to be carried out in accordance with this Plan or with a development consent granted under the Act, any agreement, covenant or other similar instrument that restricts the carrying out of that development does not apply to the extent necessary to serve that purpose.
- (2) This clause does not apply:
 - (a) to a covenant imposed by the Council or that the Council requires to be imposed, or
 - (b) to any prescribed instrument within the meaning of section 183A of the *Crown Lands Act 1989*, or
 - (c) to any conservation agreement within the meaning of the *National Parks and Wildlife Act 1974*, or
 - (d) to any Trust agreement within the meaning of the *Nature Conservation Trust Act 2001*, or
 - (e) to any property vegetation plan within the meaning of the *Native Vegetation Act 2003*, or
 - (f) to any biobanking agreement within the meaning of Part 7A of the *Threatened Species Conservation Act 1995*, or
 - (g) to any planning agreement within the meaning of Division 6 of Part 4 of the Act, or
 - (h) to any land vested in the Lake Illawarra Authority under the *Lake Illawarra Authority Act 1987*.
- (3) This clause does not affect the rights or interests of any public authority under any registered instrument.
- (4) Under section 28 of the Act, the Governor, before the making of this clause, approved of subclauses (1)–(3).

Part 2 Permitted or prohibited development

2.1 Land use zones

The land use zones under this Plan are as follows:

Rural Zones

- RU1 Primary Production
- RU2 Rural Landscape
- RU4 Rural Small Holdings

Residential Zones

- R1 General Residential
- R2 Low Density Residential
- R3 Medium Density Residential
- R4 High Density Residential
- R5 Large Lot Residential

Business Zones

- B1 Neighbourhood Centre
- B2 Local Centre
- B3 Commercial Core
- B4 Mixed Use
- B6 Enterprise Corridor
- B7 Business Park

Industrial Zones

- IN1 General Industrial
- IN2 Light Industrial
- IN3 Heavy Industrial
- IN4 Working Waterfront

Special Purpose Zones

- SP1 Special Activities
- SP2 Infrastructure
- SP3 Tourist

Recreation Zones

- RE1 Public Recreation
- RE2 Private Recreation

Environment Protection Zones

- E1 National Parks and Nature Reserves
- E2 Environmental Conservation

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Clause 2.2 Wollongong Local Environmental Plan 2009

Part 2 Permitted or prohibited development

E3 Environmental Management

E4 Environmental Living

Waterway Zones

W1 Natural Waterways

W2 Recreational Waterways

W3 Working Waterways

2.2 Zoning of land to which Plan applies

For the purposes of this Plan, land is within the zones shown on the Land Zoning Map.

2.3 Zone objectives and land use table

- (1) The Table at the end of this Part specifies for each zone:
 - (a) the objectives for development, and
 - (b) development that may be carried out without consent, and
 - (c) development that may be carried out only with consent, and
 - (d) development that is prohibited.
- (2) The consent authority must have regard to the objectives for development in a zone when determining a development application in respect of land within the zone.
- (3) In the Table at the end of this Part:
 - (a) a reference to a type of building or other thing is a reference to development for the purposes of that type of building or other thing, and
 - (b) a reference to a type of building or other thing does not include (despite any definition in this Plan) a reference to a type of building or other thing referred to separately in the Table in relation to the same zone.
- (4) This clause is subject to the other provisions of this Plan.

Notes.

- 1 Schedule 1 sets out additional permitted uses for particular land.
- 2 Schedule 2 sets out exempt development (which is generally exempt from both Parts 4 and 5 of the Act). Development in the land use table that may be carried out without consent is nevertheless subject to the environmental assessment and approval requirements of Part 5 of the Act or, if applicable, Part 3A of the Act.
- 3 Schedule 3 sets out complying development (for which a complying development certificate may be issued as an alternative to obtaining development consent).

-
- 4 Clause 2.6 requires consent for subdivision of land.
 - 5 Part 5 contains other provisions which require consent for particular development.

2.4 Unzoned land

- (1) Development may be carried out on unzoned land only with consent.
- (2) Before granting consent, the consent authority:
 - (a) must consider whether the development will impact on adjoining zoned land and, if so, consider the objectives for development in the zones of the adjoining land, and
 - (b) must be satisfied that the development is appropriate and is compatible with permissible land uses in any such adjoining land.

2.5 Additional permitted uses for particular land

- (1) Development on particular land that is described or referred to in Schedule 1 may be carried out:
 - (a) with consent, or
 - (b) if the Schedule so provides—without consent, in accordance with the conditions (if any) specified in that Schedule in relation to that development.
- (2) This clause has effect despite anything to the contrary in the Land Use Table or other provision of this Plan.

2.6 Subdivision—consent requirements

- (1) Land to which this Plan applies may be subdivided, but only with consent.
- (2) However, consent is not required for a subdivision for the purpose only of any one or more of the following:
 - (a) widening a public road,
 - (b) a minor realignment of boundaries that does not create:
 - (i) additional lots or the opportunity for additional dwellings, or
 - (ii) lots that are smaller than the minimum size shown on the Lot Size Map in relation to the land concerned,
 - (c) a consolidation of lots that does not create additional lots or the opportunity for additional dwellings,
 - (d) rectifying an encroachment on a lot,
 - (e) creating a public reserve,

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Part 2 Permitted or prohibited development

- (f) excising from a lot land that is, or is intended to be, used for public purposes, including drainage purposes, rural fire brigade or other emergency service purposes or public toilets.

Note. If a subdivision is exempt development, the Act enables the subdivision to be carried out without consent.

2.6A Demolition requires consent

The demolition of a building or work may be carried out only with consent.

Note. If the demolition of a building or work is identified in this Plan or a State Environmental Planning Policy such as *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008* as exempt development, the Act enables it to be carried out without consent.

2.6B Temporary use of land

- (1) The objective of this clause is to provide for the temporary use of land if the use does not compromise future development of the land, or have detrimental economic, social, amenity or environmental effects on the land.
- (2) Despite any other provision of this Plan, development consent may be granted for development on land in any zone for any temporary use for a maximum period of 52 days (whether or not consecutive days) in any period of 12 months.
- (3) Development consent must not be granted unless the consent authority is satisfied that:
 - (a) the temporary use will not prejudice the subsequent carrying out of development on the land in accordance with this Plan and any other applicable environmental planning instrument, and
 - (b) the temporary use does not adversely impact on any adjoining land or the amenity of the neighbourhood, and
 - (c) the temporary use and location of any structures related to the use will not adversely impact on environmental attributes or features of the land, or increase the risk of natural hazards that may affect the land, and
 - (d) at the end of the temporary use period the site will, as far as practicable, be restored to the condition in which it was in before the commencement of the use.
- (4) Despite subclause (2), the temporary use of a dwelling as a sales office for a new release area or housing estate may exceed 52 days (whether or not consecutive days) in any period of 12 months, and in that case subclause (3) (d) applies only to the restoration as a dwelling at the end of the temporary use.

Land Use Table

Note. Development of a type referred to in an item of the Land Use Table is a reference to development of that type that is not already regulated by a State environmental planning policy, in particular the following:

State Environmental Planning Policy No 33—Hazardous and Offensive Development,
State Environmental Planning Policy No 64—Advertising and Signage,
State Environmental Planning Policy (Affordable Rental Housing) 2009,
State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004,
State Environmental Planning Policy (Infrastructure) 2007,
State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries) 2007,
State Environmental Planning Policy (Rural Lands) 2008.

Zone RU1 Primary Production

1 Objectives of zone

- To encourage sustainable primary industry production by maintaining and enhancing the natural resource base.
- To encourage diversity in primary industry enterprises and systems appropriate for the area.
- To minimise the fragmentation and alienation of resource lands.
- To minimise conflict between land uses within the zone and land uses within adjoining zones.

2 Permitted without consent

Building identification signs; Extensive agriculture; Home occupations

3 Permitted with consent

Agricultural produce industries; Agriculture; Business identification signs; Dwelling houses; Environmental protection works; Extractive industries; Farm buildings; Forestry; Mining; Roads; Roadside stalls

4 Prohibited

Any development not specified in item 2 or 3

Zone RU2 Rural Landscape

1 Objectives of zone

- To encourage sustainable primary industry production by maintaining and enhancing the natural resource base.
- To maintain the rural landscape character of the land.

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Part 2 Land Use Table

- To provide for a range of compatible land uses, including extensive agriculture.
- To encourage the retention, management or restoration of native vegetation.

2 Permitted without consent

Extensive agriculture; Home occupations; Roadside stalls

3 Permitted with consent

Agricultural produce industries; Agriculture; Bed and breakfast accommodation; Child care centres; Community facilities; Crematoria; Dwelling houses; Environmental facilities; Environmental protection works; Farm buildings; Farm stay accommodation; Forestry; Helipads; Hospitals; Places of public worship; Recreation areas; Recreation facilities (outdoor); Roads; Rural supplies; Secondary dwellings; Signage; Veterinary hospitals

4 Prohibited

Any development not specified in item 2 or 3

Zone RU4 Rural Small Holdings

1 Objectives of zone

- To enable sustainable primary industry and other compatible land uses.
- To maintain the rural and scenic character of the land.
- To ensure that development does not unreasonably increase the demand for public services or public facilities.
- To minimise conflict between land uses within the zone and land uses within adjoining zones.

2 Permitted without consent

Home occupations

3 Permitted with consent

Agriculture; Bed and breakfast accommodation; Building identification signs; Business identification signs; Community facilities; Dwelling houses; Extensive Agriculture; Farm buildings; Farm stay accommodation; Horticulture; Recreation areas; Roads; Roadside stalls; Secondary dwellings; Veterinary hospitals

4 Prohibited

Any development not specified in item 2 or 3

Zone R1 General Residential

1 Objectives of zone

- To provide for the housing needs of the community.
- To provide for a variety of housing types and densities.
- To enable other land uses that provide facilities or services to meet the day to day needs of residents.

2 Permitted without consent

Home occupations

3 Permitted with consent

Attached dwellings; Bed and breakfast accommodation; Boarding houses; Child care centres; Community facilities; Dual occupancies; Dwelling houses; Environmental facilities; Exhibition homes; Group homes; Hostels; Multi dwelling housing; Neighbourhood shops; Places of public worship; Recreation areas; Residential flat buildings; Roads; Semi-detached dwellings; Seniors housing; Serviced apartments; Shop top housing; Signage

4 Prohibited

Any development not specified in item 2 or 3

Zone R2 Low Density Residential

1 Objectives of zone

- To provide for the housing needs of the community within a low density residential environment.
- To enable other land uses that provide facilities or services to meet the day to day needs of residents.

2 Permitted without consent

Home occupations

3 Permitted with consent

Attached dwellings; Bed and breakfast accommodation; Boarding houses; Boat launching ramps; Child care centres; Community facilities; Dual occupancies; Dwelling houses; Environmental facilities; Exhibition homes; Exhibition villages; Group homes; Health consulting

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Part 2 Land Use Table

rooms; Hospitals; Hostels; Information and education facilities; Jetties; Multi dwelling housing; Neighbourhood shops; Places of public worship; Recreation areas; Recreation facilities (indoor); Recreation facilities (outdoor); Residential flat buildings; Roads; Semi-detached dwellings; Seniors housing; Shop top housing; Signage; Veterinary hospitals

4 Prohibited

Any development not specified in item 2 or 3

Zone R3 Medium Density Residential

1 Objectives of zone

- To provide for the housing needs of the community within a medium density residential environment.
- To provide a variety of housing types within a medium density residential environment.
- To enable other land uses that provide facilities or services to meet the day to day needs of residents.

2 Permitted without consent

Nil

3 Permitted with consent

Attached dwellings; Backpackers' accommodation; Bed and breakfast accommodation; Boarding houses; Child care centres; Community facilities; Dual occupancies; Dwelling houses; Exhibition homes; Exhibition villages; Group homes; Hostels; Information and education facilities; Multi dwelling housing; Neighbourhood shops; Places of public worship; Recreation areas; Recreation facilities (indoor); Recreation facilities (outdoor); Residential flat buildings; Roads; Semi-detached dwellings; Seniors housing; Serviced apartments; Shop top housing; Signage; Veterinary hospitals

4 Prohibited

Any development not specified in item 2 or 3

Zone R4 High Density Residential

1 Objectives of zone

- To provide for the housing needs of the community within a high density residential environment.

- To provide a variety of housing types within a high density residential environment.
- To enable other land uses that provide facilities or services to meet the day to day needs of residents.
- To allow for high density residential development in close proximity to the Wollongong city centre and other commercial centres.

2 Permitted without consent

Nil

3 Permitted with consent

Backpackers' accommodation; Bed and breakfast accommodation; Boarding houses; Child care centres; Community facilities; Exhibition homes; Hostels; Multi dwelling housing; Neighbourhood shops; Places of public worship; Recreation areas; Recreation facilities (indoor); Residential flat buildings; Roads; Seniors housing; Serviced apartments; Shop top housing; Signage

4 Prohibited

Any development not specified in item 2 or 3

Zone R5 Large Lot Residential**1 Objectives of zone**

- To provide residential housing in a rural setting while preserving, and minimising impacts on, environmentally sensitive locations and scenic quality.
- To ensure that large residential allotments do not hinder the proper and orderly development of urban areas in the future.
- To ensure that development in the area does not unreasonably increase the demand for public services or public facilities.
- To minimise conflict between land uses within the zone and land uses within adjoining zones.

2 Permitted without consent

Home occupations

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Part 2 Land Use Table

3 Permitted with consent

Animal boarding or training establishments; Bed and breakfast accommodation; Business identification signs; Child care centres; Community facilities; Dwelling houses; Exhibition homes; Farm buildings; Places of public worship; Recreation areas; Roads; Roadside stalls

4 Prohibited

Any development not specified in item 2 or 3

Zone B1 Neighbourhood Centre

1 Objectives of zone

- To provide a range of small-scale retail, business and community uses that serve the needs of people who live or work in the surrounding neighbourhood.
- To allow for residential accommodation and other uses while maintaining active retail, business or other non-residential uses at the street level.

2 Permitted without consent

Building identification signs; Business identification signs

3 Permitted with consent

Advertisements; Advertising structures; Amusement centres; Backpackers' accommodation; Bed and breakfast accommodation; Boarding houses; Business premises; Car parks; Child care centres; Community facilities; Entertainment facilities; Hotel or motel accommodation; Information and education facilities; Landscape and garden supplies; Neighbourhood shops; Office premises; Places of public worship; Recreation areas; Recreation facilities (indoor); Registered clubs; Retail premises; Roads; Seniors housing; Service stations; Shop top housing; Timber and building supplies; Veterinary hospitals

4 Prohibited

Any development not specified in item 2 or 3

Zone B2 Local Centre**1 Objectives of zone**

- To provide a range of retail, business, entertainment and community uses that serve the needs of people who live in, work in and visit the local area.
- To encourage employment opportunities in accessible locations.
- To maximise public transport patronage and encourage walking and cycling.
- To allow for residential accommodation and other uses while maintaining active retail, business or other non-residential uses at the street level.

2 Permitted without consent

Building identification signs; Business identification signs

3 Permitted with consent

Advertisements; Advertising structures; Amusement centres; Boarding houses; Bulky goods premises; Business premises; Car parks; Child care centres; Community facilities; Educational establishments; Entertainment facilities; Exhibition homes; Function centres; Funeral chapels; Funeral homes; Hostels; Information and education facilities; Landscape and garden supplies; Office premises; Passenger transport facilities; Places of public worship; Pubs; Recreation areas; Recreation facilities (indoor); Recreation facilities (outdoor); Registered clubs; Residential flat buildings; Restricted premises; Retail premises; Roads; Self-storage units; Seniors housing; Service stations; Sex services premises; Shop top housing; Timber and building supplies; Tourist and visitor accommodation; Vehicle sales or hire premises; Veterinary hospitals; Wholesale supplies

4 Prohibited

Any development not specified in item 2 or 3

Zone B3 Commercial Core**1 Objectives of zone**

- To provide a wide range of retail, business, office, entertainment, community and other suitable land uses that serve the needs of the local and wider community.
- To encourage appropriate employment opportunities in accessible locations.

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Part 2 Land Use Table

- To maximise public transport patronage and encourage walking and cycling.
- To strengthen the role of the Wollongong city centre as the regional business, retail and cultural centre of the Illawarra region.
- To provide for high density residential development within a mixed use development if it:
 - (a) is in a location that is accessible to public transport, employment, retail, commercial and service facilities, and
 - (b) contributes to the vitality of the Wollongong city centre.

2 Permitted without consent

Building identification signs; Business identification signs

3 Permitted with consent

Advertisements; Advertising structures; Amusement centres; Boarding houses; Bulky goods premises; Business premises; Car parks; Child care centres; Community facilities; Educational establishments; Entertainment facilities; Exhibition homes; Function centres; Funeral chapels; Funeral homes; Helipads; Hostels; Hotel or motel accommodation; Information and education facilities; Landscape and garden supplies; Office premises; Passenger transport facilities; Places of public worship; Pubs; Recreation areas; Recreation facilities (indoor); Recreation facilities (outdoor); Registered clubs; Restricted premises; Retail premises; Roads; Self-storage units; Seniors housing; Service stations; Sex services premises; Shop top housing; Timber and building supplies; Tourist and visitor accommodation; Vehicle sales or hire premises; Veterinary hospitals; Wholesale supplies

4 Prohibited

Any development not specified in item 2 or 3

Zone B4 Mixed Use

1 Objectives of zone

- To provide a mixture of compatible land uses.
- To integrate suitable business, office, residential, retail and other development in accessible locations so as to maximise public transport patronage and encourage walking and cycling.
- To support nearby or adjacent commercial centres without adversely impacting on the viability of those centres.

2 Permitted without consent

Building identification signs; Business identification signs

3 Permitted with consent

Advertisements; Advertising structures; Amusement centres; Boarding houses; Bulky goods premises; Business premises; Car parks; Child care centres; Community facilities; Educational establishments; Entertainment facilities; Environmental facilities; Exhibition homes; Function centres; Funeral chapels; Funeral homes; Hostels; Hotel or motel accommodation; Information and education facilities; Landscape and garden supplies; Multi dwelling housing; Office premises; Passenger transport facilities; Places of public worship; Recreation areas; Recreation facilities (indoor); Registered clubs; Residential flat buildings; Retail premises; Roads; Self-storage units; Seniors housing; Service stations; Shop top housing; Tourist and visitor accommodation; Vehicle body repair workshops; Vehicle repair stations; Vehicle sales or hire premises; Veterinary hospitals; Wholesale supplies

4 Prohibited

Any development not specified in item 2 or 3

Zone B6 Enterprise Corridor**1 Objectives of zone**

- To promote businesses along main roads and to encourage a mix of compatible uses.
- To provide a range of employment uses (including business, office, retail and light industrial uses) and residential uses (but only as part of a mixed use development).
- To maintain the economic strength of centres by limiting retailing activity.
- To encourage activities which will contribute to the economic and employment growth of Wollongong.
- To allow some diversity of activities that will not:
 - (a) significantly detract from the operation of existing or proposed development, or
 - (b) significantly detract from the amenity of nearby residents, or
 - (c) have an adverse impact upon the efficient operation of the surrounding road system.

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Part 2 Land Use Table

2 Permitted without consent

Building identification signs; Business identification signs

3 Permitted with consent

Advertisements; Advertising structures; Bulky goods premises; Business premises; Car parks; Child care centres; Community facilities; Depots; Entertainment facilities; Environmental facilities; Hotel or motel accommodation; Industrial retail outlets; Landscape and garden supplies; Light industries; Office premises; Passenger transport facilities; Places of public worship; Recreation areas; Recreation facilities (indoor); Recreational facilities (outdoor); Registered clubs; Roads; Service stations; Serviced apartments; Sex services premises; Shop top housing; Storage premises; Take away food and drink premises; Timber and building supplies; Transport depots; Truck depots; Vehicle sales or hire premises; Veterinary hospitals; Warehouse or distribution centres

4 Prohibited

Any development not specified in item 2 or 3

Zone B7 Business Park

1 Objectives of zone

- To provide a range of office and light industrial uses.
- To encourage employment opportunities.
- To enable other land uses that provide facilities or services to meet the day to day needs of workers in the area.

2 Permitted without consent

Building identification signs; Business identification signs

3 Permitted with consent

Advertisements; Advertising structures; Business premises; Child care centres; Community facilities; Helipads; Hotel or motel accommodation; Kiosks; Light industries; Neighbourhood shops; Office premises; Passenger transport facilities; Recreation facilities (indoor); Roads; Warehouse or distribution centres

4 Prohibited

Any development not specified in item 2 or 3

Zone IN1 General Industrial**1 Objectives of zone**

- To provide a wide range of industrial and warehouse land uses.
- To encourage employment opportunities.
- To minimise any adverse effect of industry on other land uses.
- To facilitate and encourage appropriate forms of industrial development which will contribute to the economic and employment growth of Wollongong.
- To allow some diversity of activities that will not:
 - (a) significantly detract from the operation of existing or proposed manufacturing and service industries, or
 - (b) significantly detract from the amenity of nearby residents, or
 - (c) adversely impact upon the efficient operation of the surrounding road system.

2 Permitted without consent

Building identification signs; Business identification signs

3 Permitted with consent

Advertisements; Advertising structures; Community facilities; Crematoria; Depots; Freight transport facilities; Heavy industries; Helipads; Industrial retail outlets; Kiosks; Light industries; Liquid fuel depots; Mortuaries; Neighbourhood shops; Places of public worship; Recreation areas; Recreation facilities (indoor); Roads; Service stations; Take away food and drink premises; Transport depots; Vehicle body repair workshops; Vehicle repair stations; Vehicle sales or hire premises; Warehouse or distribution centres

4 Prohibited

Any development not specified in item 2 or 3

Zone IN2 Light Industrial**1 Objectives of zone**

- To provide a wide range of light industrial, warehouse and related land uses.
- To encourage employment opportunities and to support the viability of centres.
- To minimise any adverse effect of industry on other land uses.

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Clause 2.6B Wollongong Local Environmental Plan 2009

Part 2 Land Use Table

- To enable other land uses that provide facilities or services to meet the day to day needs of workers in the area.
- To encourage appropriate forms of industrial development which will contribute to the economic and employment growth of Wollongong.

2 Permitted without consent

Building identification signs; Business identification signs

3 Permitted with consent

Advertisements; Advertising structures; Agricultural produce industries; Animal boarding or training establishments; Boat repair facilities; Community facilities; Crematoria; Depots; Freight transport facilities; Helipads; Industrial retail outlets; Kiosks; Landscape and garden supplies; Light industries; Mortuaries; Neighbourhood shops; Places of public worship; Recreation areas; Recreation facilities (indoor); Roads; Self-storage units; Service stations; Sex services premises; Take away food and drink premises; Tank-based aquaculture; Timber and building supplies; Transport depots; Vehicle body repair workshops; Vehicle repair stations; Vehicle sales or hire premises; Veterinary hospitals; Warehouse or distribution centres; Waste or resource management facilities; Water treatment facilities

4 Prohibited

Any development not specified in item 2 or 3

Zone IN3 Heavy Industrial

1 Objectives of zone

- To provide suitable areas for those industries that need to be separated from other land uses.
- To encourage employment opportunities.
- To minimise any adverse effect of heavy industry on other land uses.
- To facilitate the ongoing sustainability of steel making and steel product manufacturing that will contribute to the economic and employment growth of Wollongong.

2 Permitted without consent

Building identification signs; Business identification signs

3 Permitted with consent

Advertisements; Advertising structures; Boat repair facilities; Depots; Freight transport facilities; Hazardous industries; Hazardous storage establishments; Heavy industries; Helipads; Industrial retail outlets; Kiosks; Light industries; Liquid fuel depots; Offensive industries; Offensive storage establishments; Recreation areas; Recreation facilities (indoor); Roads; Rural industries; Service stations; Take away food and drink premises; Transport depots; Truck depots; Vehicle body repair workshops; Vehicle repair stations; Warehouse or distribution centres; Water supply systems

4 Prohibited

Any development not specified in item 2 or 3

Zone IN4 Working Waterfront**1 Objectives of zone**

- To retain and encourage waterfront industrial and maritime activities.
- To identify sites for maritime purposes and for activities that require direct waterfront access.
- To ensure that development does not have an adverse impact on the environmental and visual qualities of the foreshore.
- To encourage employment opportunities.
- To minimise any adverse effect of development on land uses in other zones.
- To encourage development that is compatible with the characteristics of Wollongong Harbour and Belmore Basin.

2 Permitted without consent

Nil

3 Permitted with consent

Boat launching ramps; Boat repair facilities; Charter and tourism boating facilities; Food and drink premises; Information and education facilities; Jetties; Kiosks; Light industries; Marinas; Markets; Roads; Signage

4 Prohibited

Any development not specified in item 2 or 3

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Part 2 Land Use Table

Zone SP1 Special Activities

1 Objectives of zone

- To provide for special land uses that are not provided for in other zones.
- To provide for sites with special natural characteristics that are not provided for in other zones.
- To facilitate development that is in keeping with the special characteristics of the site or its existing or intended special use, and that minimises any adverse impacts on surrounding land.

2 Permitted without consent

Building identification signs; Business identification signs

3 Permitted with consent

The purpose shown on the Land Zoning Map, including any development that is ordinarily incidental or ancillary to development for that purpose; Advertisements; Advertising structures; Child care centres; Community facilities; Information and education facilities; Recreation areas; Recreation facilities (indoor); Recreation facilities (major); Recreation facilities (outdoor)

4 Prohibited

Any development not specified in item 2 or 3

Zone SP2 Infrastructure

1 Objectives of zone

- To provide for infrastructure and related uses.
- To prevent development that is not compatible with or that may detract from the provision of infrastructure.
- To provide for key transport corridors.

2 Permitted without consent

Building identification signs

3 Permitted with consent

The purpose shown on the Land Zoning Map, including any development that is ordinarily incidental or ancillary to development for that purpose; Advertisements; Advertising structures; Business

identification signs; Child care centres; Community facilities; Recreation areas; Recreation facilities (indoor); Recreation facilities (major); Recreation facilities (outdoor); Roads

4 Prohibited

Any development not specified in item 2 or 3

Zone SP3 Tourist

1 Objectives of zone

- To provide for a variety of tourist-oriented development and related uses.

2 Permitted without consent

Building identification signs; Business identification signs

3 Permitted with consent

Advertisements; Advertising structures; Amusement centres; Boat repair facilities; Boat sheds; Caravan parks; Cellar door premises; Charter and tourism boating facilities; Child care centres; Community facilities; Entertainment facilities; Food and drink premises; Function centres; Information and education facilities; Kiosks; Marinas; Markets; Moorings; Neighbourhood shops; Recreation areas; Recreation facilities (indoor); Recreation facilities (major); Recreation facilities (outdoor); Registered clubs; Roads; Tourist and visitor accommodation; Water recreation structures

4 Prohibited

Any development not specified in item 2 or 3

Zone RE1 Public Recreation

1 Objectives of zone

- To enable land to be used for public open space or recreational purposes.
- To provide a range of recreational settings and activities and compatible land uses.
- To protect and enhance the natural environment for recreational purposes.
- To cater for the development of a wide range of uses and facilities within open spaces for the benefit of the community.

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Part 2 Land Use Table

2 Permitted without consent

Nil

3 Permitted with consent

Boat sheds; Caravan parks; Child care centres; Community facilities; Environmental facilities; Environmental protection works; Extensive agriculture; Helipads; Information and education facilities; Kiosks; Markets; Recreation areas; Recreation facilities (indoor); Recreation facilities (major); Recreational facilities (outdoor); Restaurants; Roads; Signage; Take away food and drink premises; Water recreation structures

4 Prohibited

Any development not specified in item 2 or 3

Zone RE2 Private Recreation

1 Objectives of zone

- To enable land to be used for private open space or recreational purposes.
- To provide a range of recreational settings and activities and compatible land uses.
- To protect and enhance the natural environment for recreational purposes.

2 Permitted without consent

Nil

3 Permitted with consent

Animal boarding or training establishments; Boat repair facilities; Boat sheds; Caravan parks; Cemeteries; Child care centres; Community facilities; Entertainment facilities; Environmental facilities; Environmental protection works; Extensive agriculture; Function centres; Kiosks; Markets; Recreation areas; Recreation facilities (indoor); Recreation facilities (major); Recreation facilities (outdoor); Registered clubs; Restaurants; Roads; Signage; Take away food and drink premises; Water recreation structures

4 Prohibited

Any development not specified in item 2 or 3

Zone E1 National Parks and Nature Reserves**1 Objectives of zone**

- To enable the management and appropriate use of land that is reserved under the *National Parks and Wildlife Act 1974* or that is acquired under Part 11 of that Act.
- To enable uses authorised under the *National Parks and Wildlife Act 1974*.
- To identify land that is to be reserved under the *National Parks and Wildlife Act 1974* and to protect the environmental significance of that land.

2 Permitted without consent

Uses authorised under the *National Parks and Wildlife Act 1974*

3 Permitted with consent

Nil

4 Prohibited

Any development not specified in item 2 or 3

Zone E2 Environmental Conservation**1 Objectives of zone**

- To protect, manage and restore areas of high ecological, scientific, cultural or aesthetic values.
- To prevent development that could destroy, damage or otherwise have an adverse effect on those values.
- To retain and enhance the visual and scenic qualities of the Illawarra Escarpment.
- To maintain the quality of the water supply for Sydney and the Illawarra by protecting land forming part of the Sydney Catchment Authority's hydrological catchment to enable the management and appropriate use of the land by the Sydney Catchment Authority.

2 Permitted without consent

Nil

3 Permitted with consent

Environmental facilities; Environment protection works; Extensive agriculture; Recreation areas

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Clause 2.6B Wollongong Local Environmental Plan 2009

Part 2 Land Use Table

4 Prohibited

Business premises; Hotel or motel accommodation; Industries; Multi dwelling housing; Recreation facilities (major); Residential flat buildings; Retail premises; Seniors housing; Service stations; Warehouse or distribution centres; Any other development not specified in item 2 or 3

Zone E3 Environmental Management

1 Objectives of zone

- To protect, manage and restore areas with special ecological, scientific, cultural or aesthetic values.
- To provide for a limited range of development that does not have an adverse effect on those values.

2 Permitted without consent

Home occupations

3 Permitted with consent

Animal boarding or training establishments; Bed and breakfast accommodation; Building identification signs; Business identification signs; Community facilities; Dwelling houses; Earthworks; Environmental facilities; Environmental protection works; Extensive agriculture; Farm buildings; Farm stay accommodation; Forestry; Recreation areas; Roads; Secondary dwellings

4 Prohibited

Industries; Multi dwelling housing; Residential flat buildings; Retail premises; Seniors housing; Service stations; Warehouse or distribution centres; Any other development not specified in item 2 or 3

Zone E4 Environmental Living

1 Objectives of zone

- To provide for low-impact residential development in areas with special ecological, scientific or aesthetic values.
- To ensure that residential development does not have an adverse effect on those values.

2 Permitted without consent

Building identification signs; Home occupations

3 Permitted with consent

Bed and breakfast accommodation; Business identification signs; Community facilities; Dwelling houses; Earthworks; Environmental facilities; Environmental protection works; Recreation areas; Roads; Secondary dwellings

4 Prohibited

Industries; Service stations; Warehouse or distribution centres; Any other development not specified in item 2 or 3

Zone W1 Natural Waterways

1 Objectives of zone

- To protect the ecological and scenic values of natural waterways.
- To prevent development that would have an adverse effect on the natural values of waterways in this zone.
- To provide for sustainable fishing industries and recreational fishing.

2 Permitted without consent

Nil

3 Permitted with consent

Environmental facilities; Environmental protection works; Moorings; Recreation areas; Water recreation structures

4 Prohibited

Business premises; Canal estate development; Hotel or motel accommodation; Industries; Multi dwelling housing; Recreation facilities (major); Residential flat buildings; Retail premises; Seniors housing; Service stations; Warehouse or distribution centres; Any other development not specified in item 2 or 3

Zone W2 Recreational Waterways

1 Objectives of zone

- To protect the ecological, scenic and recreation values of recreational waterways.
- To allow for water-based recreation and related uses.
- To provide for sustainable fishing industries and recreational fishing.

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Clause 2.6B Wollongong Local Environmental Plan 2009

Part 2 Land Use Table

- To provide for the sustainable and viable economic use of Lake Illawarra and other waterways.

2 Permitted without consent

Nil

3 Permitted with consent

Boat sheds; Charter and tourism boating facilities; Environmental facilities; Environmental protection works; Kiosks; Marinas; Moorings; Natural water-based aquaculture; Passenger transport facilities; Recreation areas; Restaurants; Take away food and drink premises; Water recreation structures

4 Prohibited

Canal estate development; Industries; Multi dwelling housing; Residential flat buildings; Seniors housing; Warehouse or distribution centres; Any other development not specified in item 2 or 3

Zone W3 Working Waterways

1 Objectives of zone

- To enable the efficient movement and operation of commercial shipping, water-based transport and maritime industries.
- To promote the equitable use of waterways, including appropriate recreational uses.
- To minimise impacts on ecological values arising from the active use of waterways.
- To provide for sustainable fishing industries.

2 Permitted without consent

Nil

3 Permitted with consent

Aquaculture; Boat repair facilities; Boat sheds; Charter and tourism boating facilities; Environmental facilities; Environmental protection works; Marinas; Moorings; Port facilities; Water recreation structures

4 Prohibited

Any development not specified in item 2 or 3

Part 3 Exempt and complying development

3.1 Exempt development

Note. Under section 76 of the Act, exempt development may be carried out without the need for development consent under Part 4 of the Act or for assessment under Part 5 of the Act.

The section states that exempt development:

- (a) must be of minimal environmental impact, and
 - (b) cannot be carried out in critical habitat of an endangered species, population or ecological community (identified under the *Threatened Species Conservation Act 1995* or the *Fisheries Management Act 1994*), and
 - (c) cannot be carried out in a wilderness area (identified under the *Wilderness Act 1987*).
- (1) The objective of this clause is to identify development of minimal environmental impact as exempt development.
 - (2) Development specified in Schedule 2 that meets the standards for the development contained in that Schedule and that complies with the requirements of this Part is exempt development.
 - (3) To be exempt development, the development:
 - (a) must meet the relevant deemed-to-satisfy provisions of the *Building Code of Australia*, and
 - (b) must not, if it relates to an existing building, cause the building to contravene the *Building Code of Australia*, and
 - (c) must not be designated development, and
 - (d) must not be carried out on land that comprises, or on which there is, an item that is listed on the State Heritage Register under the *Heritage Act 1977* or that is subject to an interim heritage order under the *Heritage Act 1977*, and
 - (e) must not be carried out in an environmentally sensitive area for exempt or complying development (as defined in clause 3.3).
 - (4) Development that relates to an existing building that is classified under the *Building Code of Australia* as class 1b or class 2–9 is exempt development only if:
 - (a) the building has a current fire safety certificate or fire safety statement, or
 - (b) no fire safety measures are currently implemented, required or proposed for the building.
 - (4A) A heading to an item in Schedule 2 is part of that Schedule.

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Clause 3.2 Wollongong Local Environmental Plan 2009

Part 3 Exempt and complying development

3.2 Complying development

Note. Under section 76A of the Act, development consent for the carrying out of complying development may be obtained by the issue of a complying development certificate.

The section states that development cannot be complying development if:

- (a) it is on land that is critical habitat of an endangered species, population or ecological community (identified under the *Threatened Species Conservation Act 1995* or the *Fisheries Management Act 1994*), or
- (b) it is on land within a wilderness area (identified under the *Wilderness Act 1987*), or
- (c) the development is designated development, or
- (d) the development is on land that comprises, or on which there is, an item of environmental heritage (that is listed on the State Heritage Register or in Schedule 5 to this Plan or that is subject to an interim heritage order under the *Heritage Act 1977*), or
- (e) the development requires concurrence (except a concurrence of the Director-General of the Department of Environment, Climate Change and Water in respect of development that is likely to significantly affect a threatened species, population, or ecological community, or its habitat (identified under the *Threatened Species Conservation Act 1995*), or
- (f) the development is on land identified as an environmentally sensitive area.

- (1) The objective of this clause is to identify development as complying development.
- (2) Development specified in Part 1 of Schedule 3 that is carried out in compliance with:
 - (a) the development standards specified in relation to that development, and
 - (b) the requirements of this Part,is complying development.

Note. See also clause 5.8 (3) which provides that the conversion of fire alarms is complying development in certain circumstances.

- (3) To be complying development, the development must:
 - (a) be permissible, with consent, in the zone in which it is carried out, and
 - (b) meet the relevant deemed-to-satisfy provisions of the *Building Code of Australia*, and
 - (c) have an approval, if required by the *Local Government Act 1993*, from the Council for an on-site effluent disposal system if the development is undertaken on unsewered land.
- (4) A complying development certificate for development specified in Part 1 of Schedule 3 is subject to the conditions (if any) set out in Part 2 of that Schedule.

-
- (4A) To be complying development, the development must not be carried out on any of the following land:
- (a) land within 100 metres of Lake Illawarra,
 - (b) land shown on the Acid Sulfate Soils Map as being in class 1 or 2,
 - (c) land to which clause 7.8 (Illawarra Escarpment area conservation) applies,
 - (d) land to which the *Drinking Water Catchments Regional Environmental Plan No 1* applies,
 - (e) land within Zone RU1, E2, E3, W1 or W2,
 - (f) land with a slope of 18 degrees or greater.
- (4B) A heading to an item in Schedule 3 is part of that Schedule.

3.3 Environmentally sensitive areas excluded

- (1) Exempt or complying development must not be carried out on any environmentally sensitive area for exempt or complying development.
- (2) For the purposes of this clause:
environmentally sensitive area for exempt or complying development means any of the following:
 - (a) the coastal waters of the State,
 - (b) a coastal lake,
 - (c) land to which *State Environmental Planning Policy No 14—Coastal Wetlands* or *State Environmental Planning Policy No 26—Littoral Rainforests* applies,
 - (d) land reserved as an aquatic reserve under the *Fisheries Management Act 1994* or as a marine park under the *Marine Parks Act 1997*,
 - (e) land within a wetland of international significance declared under the Ramsar Convention on Wetlands or within a World heritage area declared under the World Heritage Convention,
 - (f) land within 100 metres of land to which paragraph (c), (d) or (e) applies,
 - (g) land identified in this or any other environmental planning instrument as being of high Aboriginal cultural significance or high biodiversity significance,
 - (h) land reserved as a state conservation area under the *National Parks and Wildlife Act 1974*,
 - (i) land reserved or dedicated under the *Crown Lands Act 1989* for the preservation of flora, fauna, geological formations or for other environmental protection purposes,

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Clause 3.3 Wollongong Local Environmental Plan 2009

Part 3 Exempt and complying development

- (j) land identified as being critical habitat under the *Threatened Species Conservation Act 1995* or Part 7A of the *Fisheries Management Act 1994*,
- (j1) land identified as containing an endangered ecological community under the *Fisheries Management Act 1994* or the *Threatened Species Conservation Act 1995*,
- (j2) land to which clause 7.3 (Flood planning area) applies,
- (j3) land to which clause 7.8 (Illawarra Escarpment area conservation) applies.

Part 4 Principal development standards

4.1 Minimum subdivision lot size

- (1) The objectives of this clause are as follows:
 - (a) to control the density of subdivision in accordance with the character of the location, site constraints and available services, facilities and infrastructure,
 - (b) to ensure lots are of a sufficient size and shape to accommodate development.
- (2) This clause applies to a subdivision of any land shown on the Lot Size Map that requires development consent and that is carried out after the commencement of this Plan.
- (3) The size of any lot resulting from a subdivision of land to which this clause applies is not to be less than the minimum size shown on the Lot Size Map in relation to that land.
- (4) This clause does not apply in relation to the subdivision of individual lots in a strata plan or community title scheme.
- (4A) In calculating the area of any lot resulting from a subdivision of land, if the lot is a battle-axe lot or other lot with an access handle, the area of the access handle is not to be included.
- (4B) This clause does not apply in relation to the subdivision of land for the purpose of erecting an attached dwelling or a semi-detached dwelling in a residential zone.
- (4C) This clause does not apply in relation to the subdivision of land in a residential zone on which there is an existing dual occupancy or multi dwelling housing.

4.2 Rural subdivision

- (1) The objective of this clause is to provide flexibility in the application of standards for subdivision in rural zones to allow land owners a greater chance to achieve the objectives for development in the relevant zone.
- (2) This clause applies to the following rural zones:
 - (a) Zone RU1 Primary Production,
 - (b) Zone RU2 Rural Landscape,
 - (c) Zone RU4 Rural Small Holdings,
 - (d) Zone RU6 Transition.

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Clause 4.2A Wollongong Local Environmental Plan 2009

Part 4 Principal development standards

- (3) Land in a zone to which this clause applies may, with consent, be subdivided for the purpose of primary production to create a lot of a size that is less than the minimum size shown on the Lot Size Map in relation to that land.
- (4) However, such a lot cannot be created if an existing dwelling would, as the result of the subdivision, be situated on the lot.
- (5) A dwelling cannot be erected on such a lot.
Note. A dwelling includes a rural worker's dwelling (see definition of that term in the Dictionary).
Note. This Plan does not include Zone RU6.

4.2A Erection of dwelling houses on land in certain rural and environmental protection zones

- (1) This clause applies to land in the following zones:
Zone RU1 Primary Production,
Zone RU2 Rural Landscape,
Zone E3 Environmental Management.
- (2) Development consent must not be granted for the erection of a dwelling house on land to which this clause applies, and on which no dwelling house has been erected, unless the land is:
 - (a) a lot created in accordance with clause 4.1, or
 - (b) a lot created before this Plan commenced and on which the erection of a dwelling house was permissible immediately before that commencement, or
 - (c) a lot created before this Plan commenced that is at least the minimum lot size specified for that lot by the Lot Size Map, or
 - (d) land that will be a lot in a subdivisions for which development consent was granted or approval under Part 3A of the Act was given before this Plan commenced and on which the erection of a dwelling house would have been permissible immediately before that commencement, or
 - (e) an existing holding with an area of not less than 10 hectares, or
 - (f) a lot that was created after 30 April 1971 but before 23 February 1984 and which has an area of not less than 20 hectares, or
 - (g) a lot that was created on or after 23 February 1984 but before the commencement of this Plan and which has an area of not less than 40 hectares, or
 - (h) a lot that was created before the commencement of this Plan, but only if the subdivision requirements for the land, or number of

dwelling houses to be erected on the land, were specified in Schedule 2 to the *Wollongong Local Environmental Plan 1990* immediately before that commencement.

Note. A dwelling cannot be erected on a lot created under clause 9 of *State Environmental Planning Policy (Rural Lands) 2008* or clause 4.2.

- (3) Land ceases to be an existing holding for the purposes of subclause (2) (e), if an application for development consent referred to in subclause (2) is not made in relation to that land before 31 December 2012.
- (4) Despite any other provision of this clause, development consent may be granted for the erection of a dwelling house on land in a zone to which this clause applies if:
- (a) there is a lawfully erected dwelling house on the land and the dwelling house to be erected is intended only to replace the existing dwelling house, or
 - (b) the land would have been a lot or a holding referred to in subclause (2) had it not been affected by:
 - (i) a minor realignment of its boundaries that did not create an additional lot, or
 - (ii) a subdivision creating or widening a public road or public reserve or for another public purpose.
- (5) In determining whether to grant consent for the erection of a dwelling house, the consent authority must consider the extent to which the development is likely to affect the environmental and ecological conservation of the land with respect to the extent of clearing required for the development, including any clearing required for the provision of infrastructure, access and any asset protection zone identified for the land in a bush fire risk management plan in force under the *Rural Fires Act 1997*.
- (6) In this clause:
- existing holding** means all adjoining land, even if separated by a road or railway, held in the same ownership:
- (a) on 30 April 1971, and
 - (b) at the time of lodging a development application for the erection of a dwelling house under this clause,

and includes any other land adjoining that land acquired by the owner since 30 April 1971.

Note. The owner in whose ownership all the land is at the time the application is lodged need not be the same person as the owner in whose ownership all the land was on the stated date.

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Clause 4.2B Wollongong Local Environmental Plan 2009

Part 4 Principal development standards

4.2B No strata plan or community title subdivisions in certain rural zones

- (1) The objective of this clause is to ensure that land to which this clause applies is not fragmented by subdivisions that would create additional dwelling entitlements.
- (2) This clause applies to land in the following zones that is used, or proposed to be used, for residential accommodation or tourist and visitor accommodation:
 - (a) Zone RU1 Primary Production,
 - (b) Zone RU2 Rural Landscape.
- (3) Development consent must not be granted for the subdivision of a lot to which this clause applies for a strata plan or community title scheme that would create lots below the minimum size shown on the Lot Size Map for that land.

4.3 Height of buildings

- (1) The objectives of this clause are as follows:
 - (a) to establish the maximum height limit in which buildings can be designed and floor space can be achieved,
 - (b) to permit building heights that encourage high quality urban form,
 - (c) to ensure buildings and public areas continue to have views of the sky and receive exposure to sunlight.
- (2) The height of a building on any land is not to exceed the maximum height shown for the land on the Height of Buildings Map.

4.4 Floor space ratio

- (1) The objectives of this clause are as follows:
 - (a) to provide an appropriate correlation between the size of a site and the extent of any development on that site,
 - (b) to establish the maximum development density and intensity of land use, taking into account the availability of infrastructure to service that site and the vehicle and pedestrian traffic the development will generate,
 - (c) to ensure buildings are compatible with the bulk and scale of the locality.
- (2) The maximum floor space ratio for a building on any land is not to exceed the floor space ratio shown for the land on the Floor Space Ratio Map.

4.4A Floor space ratio—Wollongong city centre

- (1) This clause applies to land within the Wollongong city centre.
- (2) Despite clause 4.4, the maximum floor space ratio for a building on land within a zone specified in Column 1 of the Table to this subclause, on land with a site area and street frontage specified opposite that zone in Column 2 of the Table, is:
- (a) the amount specified opposite that zone in Column 3 of the Table, if the building is used only for residential purposes, or
 - (b) the amount specified opposite that zone in Column 4 of the Table, if the building is used only for purposes other than residential purposes.

Table

Column 1	Column 2	Column 3	Column 4
Zone B3 Commercial Core	Site area of any size and no street frontage equal to or greater than 20 metres	1.5:1	1.5:1
	Site area less than 800 square metres and a street frontage equal to or greater than 20 metres	2:1	3.5:1
	Site area equal to or greater than 800 square metres and less than 2000 square metres and a street frontage equal to or greater than 20 metres	As set out in subclause (3)	As set out in subclause (3)
	Site area equal to or greater than 2000 square metres and a street frontage equal to or greater than 20 metres	3.5:1	6:1
Zone B4 Mixed Use	Site area of any size and no street frontage equal to or greater than 20 metres	1.5:1	1.5:1

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Clause 4.4A Wollongong Local Environmental Plan 2009

Part 4 Principal development standards

Column 1	Column 2	Column 3	Column 4
	Site area of any size and a street frontage equal to or greater than 20 metres	2.5:1	3.5:1
Zone B6 Enterprise Corridor	Site area of any size and no street frontage equal to or greater than 20 metres	1.5:1	1.5:1
	Site area of any size and a street frontage equal to or greater than 20 metres	2.5:1	3:1
Zone SP1 Special Activities	Site area of any size and a street frontage of any size	1.5:1	3:1

- (3) For land within Zone B3 Commercial Core with a site area equal to or greater than 800 square metres and less than 2,000 square metres and a street frontage equal to or greater than 20 metres, the maximum floor space ratio for any building on that site is:

- (a) $(2 + 1.5X):1$ —if the building is used only for residential purposes, or
- (b) $(3.5 + 2.5X):1$ —if the building is used only for purposes other than residential purposes,

where:

X is $(\text{the site in square metres} - 800) / 1200$.

- (4) The maximum floor space ratio for a building on land within a business zone under this Plan, that is to be used for a mixture of residential purposes and other purposes, is:

$$(NRFSR \times NR / 100) + (RFSR \times R / 100):1$$

where:

NR is the percentage of the floor space of the building used for purposes other than residential purposes.

$NRFSR$ is the maximum floor space ratio determined in accordance with this clause if the building was to be used only for purposes other than residential purposes.

R is the percentage of the floor space of the building used for residential purposes.

RFSR is the maximum floor space ratio determined in accordance with this clause if the building was to be used only for residential purposes.

Note. The following gives an example of how a maximum floor space ratio is to be calculated for a building on land, having a site area equal to or greater than 2,000 square metres and a street frontage equal to or greater than 20 metres, that is within Zone B3 Commercial Core, 30 per cent of which is to be used for purposes other than residential purposes and 70 per cent of which is to be used for residential purposes:

$$(NRFSR \times NR/100) + (RFSR \times R/100):1$$

$$((6 \times 30/100) + (3.5 \times 70/100)):1$$

$$(1.8 + 2.45):1$$

4.25:1 is the maximum floor space ratio.

- (5) For a building on land within Zone SP1 Special Activities that is to be used for the purposes of hospitals, medical centres or other like uses or a combination of such uses, the maximum floor space ratio is 3:1.
- (6) In this clause:
residential purposes, in relation to the use of a building, means using the building for the purposes of residential accommodation or serviced apartments or a combination of such uses.

4.5 Calculation of floor space ratio and site area

(1) Objectives

The objectives of this clause are as follows:

- (a) to define **floor space ratio**,
- (b) to set out rules for the calculation of the site area of development for the purpose of applying permitted floor space ratios, including rules to:
- (i) prevent the inclusion in the site area of an area that has no significant development being carried out on it, and
 - (ii) prevent the inclusion in the site area of an area that has already been included as part of a site area to maximise floor space area in another building, and
 - (iii) require community land and public places to be dealt with separately.

(2) Definition of “floor space ratio”

The **floor space ratio** of buildings on a site is the ratio of the gross floor area of all buildings within the site to the site area.

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(3) **Site area**

In determining the site area of proposed development for the purpose of applying a floor space ratio, the *site area* is taken to be:

- (a) if the proposed development is to be carried out on only one lot, the area of that lot, or
- (b) if the proposed development is to be carried out on 2 or more lots, the area of any lot on which the development is proposed to be carried out that has at least one common boundary with another lot on which the development is being carried out.

In addition, subclauses (4)–(7) apply to the calculation of site area for the purposes of applying a floor space ratio to proposed development.

(4) **Exclusions from site area**

The following land must be excluded from the site area:

- (a) land on which the proposed development is prohibited, whether under this Plan or any other law,
- (b) community land or a public place (except as provided by subclause (7)).

(5) **Strata subdivisions**

The area of a lot that is wholly or partly on top of another or others in a strata subdivision is to be included in the calculation of the site area only to the extent that it does not overlap with another lot already included in the site area calculation.

(6) **Only significant development to be included**

The site area for proposed development must not include a lot additional to a lot or lots on which the development is being carried out unless the proposed development includes significant development on that additional lot.

(7) **Certain public land to be separately considered**

For the purpose of applying a floor space ratio to any proposed development on, above or below community land or a public place, the site area must only include an area that is on, above or below that community land or public place, and is occupied or physically affected by the proposed development, and may not include any other area on which the proposed development is to be carried out.

(8) **Existing buildings**

The gross floor area of any existing or proposed buildings within the vertical projection (above or below ground) of the boundaries of a site is to be included in the calculation of the total floor space for the

purposes of applying a floor space ratio, whether or not the proposed development relates to all of the buildings.

(9) **Covenants to prevent “double dipping”**

When consent is granted to development on a site comprised of 2 or more lots, a condition of the consent may require a covenant to be registered that prevents the creation of floor area on a lot (the restricted lot) if the consent authority is satisfied that an equivalent quantity of floor area will be created on another lot only because the site included the restricted lot.

(10) **Covenants affect consolidated sites**

If:

- (a) a covenant of the kind referred to in subclause (9) applies to any land (*affected land*), and
- (b) proposed development relates to the affected land and other land that together comprise the site of the proposed development,

the maximum amount of floor area allowed on the other land by the floor space ratio fixed for the site by this Plan is reduced by the quantity of floor space area the covenant prevents being created on the affected land.

(11) **Definition**

In this clause, *public place* has the same meaning as it has in the *Local Government Act 1993*.

4.6 Exceptions to development standards

- (1) The objectives of this clause are:
 - (a) to provide an appropriate degree of flexibility in applying certain development standards to particular development, and
 - (b) to achieve better outcomes for and from development by allowing flexibility in particular circumstances.
- (2) Consent may, subject to this clause, be granted for development even though the development would contravene a development standard imposed by this or any other environmental planning instrument. However, this clause does not apply to a development standard that is expressly excluded from the operation of this clause.
- (3) Consent must not be granted for development that contravenes a development standard unless the consent authority has considered a

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written request from the applicant that seeks to justify the contravention of the development standard by demonstrating:

- (a) that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and
 - (b) that there are sufficient environmental planning grounds to justify contravening the development standard.
- (4) Consent must not be granted for development that contravenes a development standard unless:
- (a) the consent authority is satisfied that:
 - (i) the applicant's written request has adequately addressed the matters required to be demonstrated by subclause (3), and
 - (ii) the proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out, and
 - (b) the concurrence of the Director-General has been obtained.
- (5) In deciding whether to grant concurrence, the Director-General must consider:
- (a) whether contravention of the development standard raises any matter of significance for State or regional environmental planning, and
 - (b) the public benefit of maintaining the development standard, and
 - (c) any other matters required to be taken into consideration by the Director-General before granting concurrence.
- (6) Consent must not be granted under this clause for a subdivision of land in Zone RU1, RU2, RU3, RU4, RU6, R5, E2, E3 or E4 if:
- (a) the subdivision will result in 2 or more lots of less than the minimum area specified for such lots by a development standard, or
 - (b) the subdivision will result in at least one lot that is less than 90% of the minimum area specified for such a lot by a development standard.
- (7) After determining a development application made pursuant to this clause, the consent authority must keep a record of its assessment of the factors required to be addressed in the applicant's written request referred to in subclause (3).

-
- (8) This clause does not allow consent to be granted for development that would contravene any of the following:
- (a) a development standard for complying development,
 - (b) a development standard that arises, under the regulations under the Act, in connection with a commitment set out in a BASIX certificate for a building to which *State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004* applies or for the land on which such a building is situated,
 - (c) clause 5.4.
- (8A) This clause does not allow consent to be granted for development that would contravene clause 4.2A, 6.1 or 8.3.

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5.1 Relevant acquisition authority

- (1) The objective of this clause is to identify, for the purposes of section 27 of the Act, the authority of the State that will be the relevant authority to acquire land reserved for certain public purposes if the land is required to be acquired under Division 3 of Part 2 of the *Land Acquisition (Just Terms Compensation) Act 1991* (**the owner-initiated acquisition provisions**).

Note. If the landholder will suffer hardship if there is any delay in the land being acquired by the relevant authority, section 23 of the *Land Acquisition (Just Terms Compensation) Act 1991* requires the authority to acquire the land.

- (2) The authority of the State that will be the relevant authority to acquire land, if the land is required to be acquired under the owner-initiated acquisition provisions, is the authority of the State specified below in relation to the land shown on the Land Reservation Acquisition Map (or, if an authority of the State is not specified in relation to land required to be so acquired, the authority designated or determined under those provisions).

Type of land shown on Map	Authority of the State
Zone RE1 Public Recreation and marked "Local open space"	Council
Zone RE1 Public Recreation and marked "Regional open space"	The corporation constituted under section 8 of the Act
Zone SP2 Infrastructure and marked "Classified road"	Roads and Traffic Authority
Zone E1 National Parks and Nature Reserves and marked "National Park"	Minister administering the <i>National Parks and Wildlife Act 1974</i>
Zone R2 Low Density Residential and marked "Local road"	Council
Zone R2 Low Density Residential and marked "Classified road"	Roads and Traffic Authority
Zone B2 Local Centre and marked "Local road"	Council
Zone B3 Commercial Core and marked "Local road"	Council
Zone B4 Mixed Use and marked "Classified road"	Roads and Traffic Authority

Type of land shown on Map	Authority of the State
Zone SP2 Infrastructure and marked "Educational establishment"	Minister for Education and Training
Zone SP2 Infrastructure and marked "Local road"	Council

Note. If land, other than land specified in the Table to subclause (2), is required to be acquired under the owner-initiated acquisition provisions, the Minister for Planning is required to take action to enable the designation of the acquiring authority under this Part. Pending the designation of the acquiring authority for that land, the acquiring authority is to be the authority determined by order of the Minister for Planning (see section 21 of the *Land Acquisition (Just Terms Compensation) Act 1991*).

- (3) Development on land acquired by an authority of the State under the owner-initiated acquisition provisions may, before it is used for the purpose for which it is reserved, be carried out, with development consent, for any purpose.

5.1A Development on land intended to be acquired for a public purpose

- (1) The objective of this clause is to limit development on certain land intended to be acquired for a public purpose.
- (2) This clause applies to land shown on the Land Reservation Acquisition Map and specified in Column 1 of the Table to this clause and that has not been acquired by the relevant authority of the State specified for the land in clause 5.1.
- (3) Development consent must not be granted to any development on land to which this clause applies other than development for a purpose specified opposite that land in Column 2 of the Table.

Column 1	Column 2
Land	Development
Zone R2 Low Density Residential and marked "Local road"	Earthworks; Public utility undertakings; Roads
Zone B3 Commercial Core and marked "Local road"	Earthworks; Public utility undertakings; Roads
Zone SP2 Infrastructure and marked "Classified road"	Earthworks; Public utility undertakings; Roads
Zone SP2 Infrastructure and marked "Local road"	Earthworks; Public utility undertakings; Roads

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Column 1	Column 2
Land	Development
Zone SP2 Infrastructure and marked "Educational establishment"	Earthworks; Public utility undertakings
Zone RE1 Public Recreation and marked "Local open space"	Earthworks; Public utility undertakings; Recreation areas

5.2 Classification and reclassification of public land

- (1) The objective of this clause is to enable the Council to classify or reclassify public land as "operational land" or "community land" in accordance with Part 2 of Chapter 6 of the *Local Government Act 1993*.
Note. Under the *Local Government Act 1993*, "public land" is generally land vested in or under the control of a council (other than roads, Crown reserves and commons). The classification or reclassification of public land may also be made by a resolution of the Council under section 31, 32 or 33 of the *Local Government Act 1993*. Section 30 of that Act enables this Plan to discharge trusts on which public reserves are held if the land is reclassified under this Plan as operational land.
- (2) The public land described in Part 1 or Part 2 of Schedule 4 is classified, or reclassified, as operational land for the purposes of the *Local Government Act 1993*.
- (3) The public land described in Part 3 of Schedule 4 is classified, or reclassified, as community land for the purposes of the *Local Government Act 1993*.
- (4) The public land described in Part 1 of Schedule 4:
 - (a) does not cease to be a public reserve to the extent (if any) that it is a public reserve, and
 - (b) continues to be affected by any trusts, estates, interests, dedications, conditions, restrictions or covenants that affected the land before its classification, or reclassification, as operational land.
- (5) The public land described in Part 2 of Schedule 4, to the extent (if any) that it is a public reserve, ceases to be a public reserve when the description of the land is inserted into that Part and is discharged from all trusts, estates, interests, dedications, conditions, restrictions and covenants affecting the land or any part of the land, except:
 - (a) those (if any) specified for the land in Column 3 of Part 2 of Schedule 4, and
 - (b) any reservations that except land out of the Crown grant relating to the land, and

- (c) reservations of minerals (within the meaning of the *Crown Lands Act 1989*).

Note. In accordance with section 30 (2) of the *Local Government Act 1993*, the approval of the Governor to subclause (5) applying to the public land concerned is required before the description of the land is inserted in Part 2 of Schedule 4.

5.3 Development near zone boundaries

- (1) The objective of this clause is to provide flexibility where the investigation of a site and its surroundings reveals that a use allowed on the other side of a zone boundary would enable a more logical and appropriate development of the site and be compatible with the planning objectives and land uses for the adjoining zone.
- (2) This clause applies to so much of any land that is within the relevant distance of a boundary between any 2 zones. The relevant distance is 20 metres.
- (3) This clause does not apply to:
 - (a) land zoned RU1 Primary Production, RU2 Rural Landscape, RU4 Rural Small Holdings, SP1 Special Activities, SP2 Infrastructure, RE1 Public Recreation, E1 National Parks and Nature Reserves, E2 Environmental Conservation, E3 Environmental Management or W1 Natural Waterways, or
 - (b) land within the coastal zone, or
 - (c) land proposed to be developed for the purpose of sex services or restricted premises.
- (4) Despite the provisions of this Plan relating to the purposes for which development may be carried out, consent may be granted to development of land to which this clause applies for any purpose that may be carried out in the adjoining zone, but only if the consent authority is satisfied that:
 - (a) the development is not inconsistent with the objectives for development in both zones, and
 - (b) the carrying out of the development is desirable due to compatible land use planning, infrastructure capacity and other planning principles relating to the efficient and timely development of land.
- (5) The clause does not prescribe a development standard that may be varied under this Plan.

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Clause 5.4 Wollongong Local Environmental Plan 2009

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5.4 Controls relating to miscellaneous permissible uses

(1) **Bed and breakfast accommodation**

If development for the purposes of bed and breakfast accommodation is permitted under this Plan, the accommodation that is provided to guests must consist of no more than 3 bedrooms.

(2) **Home businesses**

If development for the purposes of a home business is permitted under this Plan, the carrying on of the business must not involve the use of more than 30 square metres of floor area.

(3) **Home industries**

If development for the purposes of a home industry is permitted under this Plan, the carrying on of the home industry must not involve the use of more than 50 square metres of floor area.

(4) **Industrial retail outlets**

If development for the purposes of an industrial retail outlet is permitted under this Plan, the retail floor area must not exceed:

- (a) 40% of the combined gross floor area of the industrial retail outlet and the building or place on which the relevant industry is carried out, or
 - (b) 400 square metres,
- whichever is the lesser.

(5) **Farm stay accommodation**

If development for the purposes of farm stay accommodation is permitted under this Plan, the accommodation that is provided to guests must consist of no more than 3 bedrooms.

(6) **Kiosks**

If development for the purposes of a kiosk is permitted under this Plan, the gross floor area must not exceed 30 square metres.

(7) **Neighbourhood shops**

If development for the purposes of a neighbourhood shop is permitted under this Plan, the retail floor area must not exceed 100 square metres.

(8) **Roadside stalls**

If development for the purposes of a roadside stall is permitted under this Plan, the gross floor area must not exceed 30 square metres.

(9) **Secondary dwellings**

If development for the purposes of a secondary dwelling is permitted under this Plan, the total floor area of the dwelling (excluding any area used for parking) must not exceed whichever of the following is the greater:

- (a) 60 square metres,
- (b) 40% of the total floor area of both the self-contained dwelling and the principal dwelling.

5.5 Development within the coastal zone

(1) The objectives of this clause are as follows:

- (a) to provide for the protection of the coastal environment of the State for the benefit of both present and future generations through promoting the principles of ecologically sustainable development,
- (b) to implement the principles in the NSW Coastal Policy, and in particular to:
 - (i) protect, enhance, maintain and restore the coastal environment, its associated ecosystems, ecological processes and biological diversity and its water quality, and
 - (ii) protect and preserve the natural, cultural, recreational and economic attributes of the NSW coast, and
 - (iii) provide opportunities for pedestrian public access to and along the coastal foreshore, and
 - (iv) recognise and accommodate coastal processes and climate change, and
 - (v) protect amenity and scenic quality, and
 - (vi) protect and preserve rock platforms, beach environments and beach amenity, and
 - (vii) protect and preserve native coastal vegetation, and
 - (viii) protect and preserve the marine environment, and
 - (ix) ensure that the type, bulk, scale and size of development is appropriate for the location and protects and improves the natural scenic quality of the surrounding area, and
 - (x) ensure that decisions in relation to new development consider the broader and cumulative impacts on the catchment, and
 - (xi) protect Aboriginal cultural places, values and customs, and

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- (xii) protect and preserve items of heritage, archaeological or historical significance.
- (2) Consent must not be granted to development on land that is wholly or partly within the coastal zone unless the consent authority has considered:
 - (a) existing public access to and along the coastal foreshore for pedestrians (including persons with a disability) with a view to:
 - (i) maintaining existing public access and, where possible, improving that access, and
 - (ii) identifying opportunities for new public access, and
 - (b) the suitability of the proposed development, its relationship with the surrounding area and its impact on the natural scenic quality, taking into account:
 - (i) the type of the proposed development and any associated land uses or activities (including compatibility of any land-based and water-based coastal activities), and
 - (ii) the location, and
 - (iii) the bulk, scale, size and overall built form design of any building or work involved, and
 - (c) the impact of the proposed development on the amenity of the coastal foreshore including:
 - (i) any significant overshadowing of the coastal foreshore, and
 - (ii) any loss of views from a public place to the coastal foreshore, and
 - (d) how the visual amenity and scenic qualities of the coast, including coastal headlands, can be protected, and
 - (e) how biodiversity and ecosystems, including:
 - (i) native coastal vegetation and existing wildlife corridors, and
 - (ii) rock platforms, and
 - (iii) water quality of coastal waterbodies, and
 - (iv) native fauna and native flora, and their habitats, can be conserved, and
 - (f) the effect of coastal processes and coastal hazards and potential impacts, including sea level rise:
 - (i) on the proposed development, and
 - (ii) arising from the proposed development, and

- (g) the cumulative impacts of the proposed development and other development on the coastal catchment.
- (3) Consent must not be granted to development on land that is wholly or partly within the coastal zone unless the consent authority is satisfied that:
 - (a) the proposed development will not impede or diminish, where practicable, the physical, land-based right of access of the public to or along the coastal foreshore, and
 - (b) if effluent from the development is disposed of by a non-reticulated system, it will not have a negative effect on the water quality of the sea, or any beach, estuary, coastal lake, coastal creek or other similar body of water, or a rock platform, and
 - (c) the proposed development will not discharge untreated stormwater into the sea, or any beach, estuary, coastal lake, coastal creek or other similar body of water, or a rock platform.

5.6 Architectural roof features

- (1) The objectives of this clause are:
 - (a) to provide a built skyline that does not adversely impact on the natural landscape, view corridors or surrounding land, and
 - (b) to specify what part of a building may exceed the height limits.
- (2) Development that includes an architectural roof feature that exceeds, or causes a building to exceed, the height limits set by clause 4.3 may be carried out, but only with consent.
- (3) Development consent must not be granted to any such development unless the consent authority is satisfied that:
 - (a) the architectural roof feature:
 - (i) comprises a decorative element on the uppermost portion of a building, and
 - (ii) is not an advertising structure, and
 - (iii) does not include floor space area and is not reasonably capable of modification to include floor space area, and
 - (iv) will cause minimal overshadowing, and
 - (b) any building identification signage or equipment for servicing the building (such as plant, lift motor rooms, fire stairs and the like) contained in or supported by the roof feature is fully integrated into the design of the roof feature.

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5.7 Development below mean high water mark

- (1) The objective of this clause is to ensure appropriate environmental assessment for development carried out on land covered by tidal waters.
- (2) Development consent is required to carry out development on any land below the mean high water mark of any body of water subject to tidal influence (including the bed of any such water).

5.8 Conversion of fire alarms

- (1) This clause applies to a fire alarm system that can be monitored by New South Wales Fire Brigades or by a private service provider.
- (2) The following development may be carried out, but only with consent:
 - (a) converting a fire alarm system from connection with the alarm monitoring system of New South Wales Fire Brigades to connection with the alarm monitoring system of a private service provider,
 - (b) converting a fire alarm system from connection with the alarm monitoring system of a private service provider to connection with the alarm monitoring system of another private service provider,
 - (c) converting a fire alarm system from connection with the alarm monitoring system of a private service provider to connection with a different alarm monitoring system of the same private service provider.
- (3) Development to which subclause (2) applies is complying development if it consists only of:
 - (a) internal alterations to a building, or
 - (b) internal alterations to a building together with the mounting of an antenna, and any support structure, on an external wall or roof of a building so as to occupy a space of not more than 450mm x 100mm x 100mm.
- (4) A complying development certificate for any such complying development is subject to a condition that any building work may only be carried out between 7.00 am and 6.00 pm on Monday to Friday and between 7.00 am and 5.00 pm on Saturday, and must not be carried out on a Sunday or a public holiday.
- (5) In this clause:
private service provider means a person or body that has entered into an agreement that is in force with New South Wales Fire Brigades to monitor fire alarm systems.

5.9 Preservation of trees or vegetation

- (1) The objective of this clause is to preserve the amenity of the area through the preservation of trees and other vegetation.
- (2) This clause applies to species or kinds of trees or other vegetation that are prescribed for the purposes of this clause by a development control plan made by the Council.
Note. A development control plan may prescribe the trees or other vegetation to which this clause applies by reference to species, size, location or other manner.
- (3) A person must not ringbark, cut down, top, lop, remove, injure or wilfully destroy any tree or other vegetation to which any such development control plan applies without the authority conferred by:
 - (a) development consent, or
 - (b) a permit granted by the Council.
- (4) The refusal by the Council to grant a permit to a person who has duly applied for the grant of the permit is taken for the purposes of the Act to be a refusal by the Council to grant consent for the carrying out of the activity for which a permit was sought.
- (5) This clause does not apply to a tree or other vegetation that the Council is satisfied is dying or dead and is not required as the habitat of native fauna.
- (6) This clause does not apply to a tree or other vegetation that the Council is satisfied is a risk to human life or property.
- (7) A permit under this clause cannot allow any ringbarking, cutting down, topping, lopping, removal, injuring or destruction of a tree or other vegetation:
 - (a) that is or forms part of a heritage item, or
 - (b) that is within a heritage conservation area.
Note. As a consequence of this subclause, the activities concerned will require development consent. The heritage provisions of clause 5.10 will be applicable to any such consent.
- (8) This clause does not apply to or in respect of:
 - (a) the clearing of native vegetation that is authorised by a development consent or property vegetation plan under the *Native Vegetation Act 2003* or that is otherwise permitted under Division 2 or 3 of Part 3 of that Act, or
 - (b) the clearing of vegetation on State protected land (within the meaning of clause 4 of Schedule 3 to the *Native Vegetation Act 2003*) that is authorised by a development consent under the

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provisions of the *Native Vegetation Conservation Act 1997* as continued in force by that clause, or

- (c) trees or other vegetation within a State forest, or land reserved from sale as a timber or forest reserve under the *Forestry Act 1916*, or
- (d) action required or authorised to be done by or under the *Electricity Supply Act 1995*, the *Roads Act 1993* or the *Surveying Act 2002*, or
- (e) plants declared to be noxious weeds under the *Noxious Weeds Act 1993*.

5.10 Heritage conservation

Note. Heritage items, heritage conservation areas and archaeological sites (if any) are shown on the Heritage Map. The location and nature of any such item, area or site is also described in Schedule 5.

(1) Objectives

The objectives of this clause are:

- (a) to conserve the environmental heritage of Wollongong, and
- (b) to conserve the heritage significance of heritage items and heritage conservation areas including associated fabric, settings and views, and
- (c) to conserve archaeological sites, and
- (d) to conserve places of Aboriginal heritage significance.

(2) Requirement for consent

Development consent is required for any of the following:

- (a) demolishing or moving a heritage item or a building, work, relic or tree within a heritage conservation area,
- (b) altering a heritage item or a building, work, relic, tree or place within a heritage conservation area, including (in the case of a building) making changes to the detail, fabric, finish or appearance of its exterior,
- (c) altering a heritage item that is a building by making structural changes to its interior,
- (d) disturbing or excavating an archaeological site while knowing, or having reasonable cause to suspect, that the disturbance or excavation will or is likely to result in a relic being discovered, exposed, moved, damaged or destroyed,
- (e) disturbing or excavating a heritage conservation area that is a place of Aboriginal heritage significance,

- (f) erecting a building on land on which a heritage item is located or that is within a heritage conservation area,
- (g) subdividing land on which a heritage item is located or that is within a heritage conservation area.

(3) When consent not required

However, consent under this clause is not required if:

- (a) the applicant has notified the consent authority of the proposed development and the consent authority has advised the applicant in writing before any work is carried out that it is satisfied that the proposed development:
 - (i) is of a minor nature, or is for the maintenance of the heritage item, archaeological site, or a building, work, relic, tree or place within a heritage conservation area, and
 - (ii) would not adversely affect the significance of the heritage item, archaeological site or heritage conservation area, or
- (b) the development is in a cemetery or burial ground and the proposed development:
 - (i) is the creation of a new grave or monument, or excavation or disturbance of land for the purpose of conserving or repairing monuments or grave markers, and
 - (ii) would not cause disturbance to human remains, relics, Aboriginal objects in the form of grave goods, or to a place of Aboriginal heritage significance, or
- (c) the development is limited to the removal of a tree or other vegetation that the Council is satisfied is a risk to human life or property, or
- (d) the development is exempt development.

(4) Effect on heritage significance

The consent authority must, before granting consent under this clause, consider the effect of the proposed development on the heritage significance of the heritage item or heritage conservation area concerned. This subclause applies regardless of whether a heritage impact statement is prepared under subclause (5) or a heritage conservation management plan is submitted under subclause (6).

(5) Heritage impact assessment

The consent authority may, before granting consent to any development on land:

- (a) on which a heritage item is situated, or

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- (b) within a heritage conservation area, or
 - (c) within the vicinity of land referred to in paragraph (a) or (b),
- require a heritage impact statement to be prepared that assesses the extent to which the carrying out of the proposed development would affect the heritage significance of the heritage item or heritage conservation area concerned.

(6) **Heritage conservation management plans**

The consent authority may require, after considering the significance of a heritage item and the extent of change proposed to it, the submission of a heritage conservation management plan before granting consent under this clause.

(7) **Archaeological sites**

The consent authority must, before granting consent under this clause to the carrying out of development on an archaeological site (other than land listed on the State Heritage Register or to which an interim heritage order under the *Heritage Act 1977* applies):

- (a) notify the Heritage Council of its intention to grant consent, and
- (b) take into consideration any response received from the Heritage Council within 28 days after the notice is sent.

(8) **Places of Aboriginal heritage significance**

The consent authority must, before granting consent under this clause to the carrying out of development in a place of Aboriginal heritage significance:

- (a) consider the effect of the proposed development on the heritage significance of the place and any Aboriginal object known or reasonably likely to be located at the place, and
- (b) notify the local Aboriginal communities (in such way as it thinks appropriate) about the application and take into consideration any response received within 28 days after the notice is sent.

(9) **Demolition of item of State significance**

The consent authority must, before granting consent for the demolition of a heritage item identified in Schedule 5 as being of State significance (other than an item listed on the State Heritage Register or to which an interim heritage order under the *Heritage Act 1977* applies):

- (a) notify the Heritage Council about the application, and
- (b) take into consideration any response received from the Heritage Council within 28 days after the notice is sent.

(10) **Conservation incentives**

The consent authority may grant consent to development for any purpose of a building that is a heritage item, or of the land on which such a building is erected, even though development for that purpose would otherwise not be allowed by this Plan, if the consent authority is satisfied that:

- (a) the conservation of the heritage item is facilitated by the granting of consent, and
- (b) the proposed development is in accordance with a heritage conservation management plan that has been approved by the consent authority, and
- (c) the consent to the proposed development would require that all necessary conservation work identified in the heritage conservation management plan is carried out, and
- (d) the proposed development would not adversely affect the heritage significance of the heritage item, including its setting, and
- (e) the proposed development would not have any significant adverse effect on the amenity of the surrounding area.

5.11 Bush fire hazard reduction

Bush fire hazard reduction work authorised by the *Rural Fires Act 1997* may be carried out on any land without consent.

Note. The *Rural Fires Act 1997* also makes provision relating to the carrying out of development on bush fire prone land.

5.12 Infrastructure development and use of existing buildings of the Crown

- (1) This Plan does not restrict or prohibit, or enable the restriction or prohibition of, the carrying out of any development, by or on behalf of a public authority, that is permitted to be carried out without consent under the *State Environmental Planning Policy (Infrastructure) 2007*.
- (2) This Plan does not restrict or prohibit, or enable the restriction or prohibition of, the use of existing buildings of the Crown by the Crown.

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Clause 6.1 Wollongong Local Environmental Plan 2009

Part 6 Urban release areas

Part 6 Urban release areas

6.1 Arrangements for designated State public infrastructure

- (1) The objective of this clause is to require satisfactory arrangements to be made for the provision of designated State public infrastructure before the subdivision of land in an urban release area to satisfy needs that arise from development on the land, but only if the land is developed intensively for urban purposes.
- (2) Development consent must not be granted for the subdivision of land in an urban release area if the subdivision would create a lot smaller than the minimum lot size permitted on the land immediately before the land became, or became part of, an urban release area, unless the Director-General has certified in writing to the consent authority that satisfactory arrangements have been made to contribute to the provision of designated State public infrastructure in relation to that lot.
- (3) Subclause (2) does not apply to:
 - (a) any lot identified in the certificate as a residue lot, or
 - (b) any lot created by a subdivision previously consented to in accordance with this clause, or
 - (c) any lot that is proposed in the development application to be reserved or dedicated for public open space, public roads, public utility undertakings, educational facilities or any other public purpose, or
 - (d) a subdivision for the purpose only of rectifying an encroachment on any existing lot.
- (4) This clause does not apply to land in an urban release area if all or any part of the land is in a special contributions area (as defined by section 93C of the Act).

6.2 Development control plan

- (1) The objective of this clause is to ensure that development on land in an urban release area occurs in a logical and cost-effective manner, in accordance with a staging plan and only after a development control plan that includes specific controls has been prepared for the land.
- (2) Development consent must not be granted for development on land in an urban release area unless a development control plan that provides for the matters specified in subclause (3) has been prepared for the land.
- (3) The development control plan must provide for all of the following:
 - (a) a staging plan for the timely and efficient release of urban land making provision for necessary infrastructure and sequencing,

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- (b) an overall transport movement hierarchy showing the major circulation routes and connections to achieve a simple and safe movement system for private vehicles, public transport, pedestrians and cyclists,
 - (c) an overall landscaping strategy for the protection and enhancement of riparian areas and remnant vegetation, including visually prominent locations, and detailed landscaping requirements for both the public and private domain,
 - (d) a network of passive and active recreational areas,
 - (e) stormwater and water quality management controls,
 - (f) amelioration of natural and environmental hazards, including bushfire, flooding and site contamination and, in relation to natural hazards, the safe occupation of, and the evacuation from, any land so affected,
 - (g) detailed urban design controls for significant development sites,
 - (h) measures to encourage higher density living around transport, open space and service nodes,
 - (i) measures to accommodate and control appropriate neighbourhood commercial and retail uses,
 - (j) suitably located public facilities and services, including provision for appropriate traffic management facilities and parking.
- (4) Subclause (2) does not apply to any of the following development:
- (a) a subdivision for the purpose of a realignment of boundaries that does not create additional lots,
 - (b) a subdivision of land if any of the lots proposed to be created is to be reserved or dedicated for public open space, public roads or any other public or environmental protection purpose,
 - (c) a subdivision of land in a zone in which the erection of structures is prohibited,
 - (d) proposed development on land that is of a minor nature only, if the consent authority is of the opinion that the carrying out of the proposed development would be consistent with the objectives of the zone in which the land is situated.

6.3 Relationship between Part and remainder of Plan

A provision of this Part prevails over any other provision of this Plan to the extent of any inconsistency.

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Clause 7.1 Wollongong Local Environmental Plan 2009

Part 7 Local provisions—general

Part 7 Local provisions—general

7.1 Public utility infrastructure

- (1) The objective of this clause is to ensure that sufficient infrastructure is available to service development.
- (2) Development consent must not be granted for development on land unless the consent authority is satisfied that any public utility infrastructure that is essential for the proposed development is available or that adequate arrangements have been made to make that infrastructure available when it is required.
- (3) This clause does not apply to development for the purpose of providing, extending, augmenting, maintaining or repairing any public utility infrastructure.
- (3) In this clause:
public utility infrastructure includes infrastructure for any of the following:
 - (a) the supply of water,
 - (b) the supply of electricity,
 - (c) the disposal and management of sewage.

7.2 Natural resource sensitivity—biodiversity

- (1) The objective of this clause is to protect, maintain or improve the diversity and condition of the native vegetation and habitat, including:
 - (a) protecting biological diversity of native flora and fauna, and
 - (b) protecting the ecological processes necessary for their continued existence, and
 - (c) encouraging the recovery of threatened species, communities, populations and their habitats.
- (2) This clause applies to land that is identified as “Natural resource sensitivity—biodiversity” on the Natural Resource Sensitivity—Biodiversity Map.
- (3) Development consent must not be granted for development on land to which this clause applies unless the consent authority has considered the impact of the development on:
 - (a) native terrestrial flora and fauna and its habitat, and
 - (b) native aquatic flora and fauna and its habitat, and

- (c) the ecological role of the land, waterways, riparian land or wetland, and
 - (d) threatened species, communities, populations and their habitats.
- (4) Development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied that the development is consistent with the objectives of this clause and:
- (a) the development is designed, sited and managed to avoid potential adverse environmental impact, or
 - (b) if a potential adverse environmental impact cannot be avoided, the development:
 - (i) is designed and sited so as to have minimum adverse environmental impact, and
 - (ii) incorporates effective measures so as to have minimal adverse environmental impact, and
 - (iii) mitigates any residual adverse environmental impact through the restoration of any existing disturbed or modified area on the site.
- (5) This clause does not apply to or in respect of:
- (a) the clearing of native vegetation that is authorised by a development consent or property vegetation plan under the *Native Vegetation Act 2003* or that is otherwise permitted under Division 2 or 3 of Part 3 of that Act, or
 - (b) the clearing of vegetation on State protected land (within the meaning of clause 4 of Schedule 3 to the *Native Vegetation Act 2003*) that is authorised by a development consent under the provisions of the *Native Vegetation Conservation Act 1997* as continued in force by that clause, or
 - (c) trees or other vegetation within a State forest, or land reserved from sale as a timber or forest reserves under the *Forestry Act 1916*, or
 - (d) action required or authorised to be done by or under the *Electricity Supply Act 1995*, the *Roads Act 1993* or the *Surveying Act 2002*, or
 - (e) plants declared to be noxious weeds under the *Noxious Weeds Act 1993*.

7.3 Flood planning area

- (1) The objectives of this clause are as follows:
- (a) to maintain the existing flood regime and flow conveyance capacity,

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Clause 7.4 Wollongong Local Environmental Plan 2009

Part 7 Local provisions—general

- (b) to enable evacuation from land to which this clause applies,
 - (c) to avoid significant adverse impacts on flood behaviour,
 - (d) to avoid significant effects on the environment that would cause avoidable erosion, siltation, destruction of riparian vegetation or a reduction in the stability of river banks or watercourses,
 - (e) to limit uses to those compatible with flow conveyance function and flood hazard.
- (2) This clause applies to land at or below the flood planning level.
- (3) Development consent must not be granted for development on land to which this clause applies unless the consent authority is satisfied in relation to all the following matters:
- (a) all habitable floor levels of the development will be above the flood planning level,
 - (b) the development will not adversely affect flood behaviour resulting in detrimental increases in the potential flood affectation of other development or properties,
 - (c) the development will not significantly alter flow distributions and velocities to the detriment of other properties or the environment of the floodplain,
 - (d) the development will not affect evacuation from the land,
 - (e) the development will not significantly detrimentally affect the floodplain environment or cause avoidable erosion, siltation, destruction of riparian vegetation or a reduction in the stability of river banks or watercourses,
 - (f) the development will not result in unsustainable social and economic costs to the community as a consequence of flooding,
 - (g) if located in a floodway area—the development will not be incompatible with the flow conveyance function of, or increase a flood hazard in, the floodway area.

7.4 Riparian lands

- (1) The objective of this clause is to ensure that development does not adversely impact upon riparian lands.
- (2) This clause applies to land shown as “riparian land” on the Riparian Land Map.
- (3) Despite any other provision of this Plan, development consent must not be granted for development on land to which this clause applies unless the consent authority has considered the impact of the proposed development on the land and any opportunities for rehabilitation of aquatic and riparian vegetation and habitat on that land.

7.5 Acid Sulfate Soils

- (1) The objective of this clause is to ensure that development does not disturb, expose or drain acid sulfate soils and cause environmental damage.
- (2) Development consent is required for the carrying out of works described in the Table to this subclause on land shown on the Acid Sulfate Soils Map as being of the class specified for those works.

Class of land	Works
1	Any works.
2	Works below the natural ground surface. Works by which the watertable is likely to be lowered.
3	Works more than 1 metre below the natural ground surface. Works by which the watertable is likely to be lowered more than 1 metre below the natural ground surface.
4	Works more than 2 metres below the natural ground surface. Works by which the watertable is likely to be lowered more than 2 metres below the natural ground surface.
5	Works within 500 metres of adjacent Class 1, 2, 3 or 4 land that is below 5 metres Australian Height Datum and by which the watertable is likely to be lowered below 1 metre Australian Height Datum on adjacent Class 1, 2, 3 or 4 land.

- (3) Development consent must not be granted under this clause for the carrying out of works unless an acid sulfate soils management plan has been prepared for the proposed works in accordance with the *Acid Sulfate Soils Manual* and has been provided to the consent authority.
- (4) Despite subclause (2), development consent is not required under this clause for the carrying out of works if:
 - (a) a preliminary assessment of the proposed works prepared in accordance with the *Acid Sulfate Soils Manual* indicates that an acid sulfate soils management plan is not required for the works, and
 - (b) the preliminary assessment has been provided to the consent authority and the consent authority has confirmed the assessment by notice in writing to the person proposing to carry out the works.

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Clause 7.6 Wollongong Local Environmental Plan 2009

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- (5) Despite subclause (2), development consent is not required under this clause for the carrying out of any of the following works by a public authority (including ancillary work such as excavation, construction of access ways or the supply of power):
 - (a) emergency work, being the repair or replacement of the works of the public authority required to be carried out urgently because the works have been damaged, have ceased to function or pose a risk to the environment or to public health and safety,
 - (b) routine maintenance work, being the periodic inspection, cleaning, repair or replacement of the works of the public authority (other than work that involves the disturbance of more than 1 tonne of soil),
 - (c) minor work, being work that costs less than \$20,000 (other than drainage work).
- (6) Despite subclause (2), development consent is not required under this clause to carry out any works if:
 - (a) the works involve the disturbance of less than 1 tonne of soil, such as occurs in carrying out agriculture, the construction or maintenance of drains, extractive industries, dredging, the construction of artificial water bodies (including canals, dams and detention basins) or foundations or flood mitigation works, or
 - (b) the works are not likely to lower the watertable.

7.6 Earthworks

- (1) The objectives of this clause are as follows:
 - (a) to ensure that any earthworks will not have a detrimental impact on environmental functions and processes, neighbouring uses or heritage items and features surrounding land,
 - (b) to allow earth works of a minor nature without separate development consent.
- (2) Development consent is required for earthworks, unless:
 - (a) the work is exempt development under this Plan, or
 - (b) the consent authority is satisfied the work is of a minor nature.
- (3) Before granting development consent for earthworks, the consent authority must consider the following matters:
 - (a) the likely disruption of, or any detrimental effect on, existing drainage patterns and soil stability in the locality,
 - (b) the effect of the proposed development on the likely future use or redevelopment of the land,

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- (c) the quality of the fill or of the soil to be excavated, or both,
 - (d) the effect of the proposed development on the existing and likely amenity of adjoining properties,
 - (e) the source of any fill material or the destination of any excavated material,
 - (f) the likelihood of disturbing Aboriginal objects or other relics,
 - (g) proximity to and potential for adverse impacts on any watercourse, drinking water catchment or environmentally sensitive area.

7.7 Foreshore building line

- (1) The objective of this clause is to ensure that development in the foreshore area will not impact on natural foreshore processes or affect the significance and amenity of the area.
- (2) Development consent must not be granted for development on land in the foreshore area except for the following purposes:
 - (a) the extension, alteration or rebuilding of an existing building wholly or partly in the foreshore area,
 - (b) the erection of a building in the foreshore area, if the levels, depth or other exceptional features of the site make it appropriate to do so,
 - (c) development for the purposes of boat sheds, sea retaining walls, wharves, slipways, jetties, waterway access stairs, swimming pools, fences, cycleways, walking trails, picnic facilities or other recreation facilities (outdoor).
- (3) Development consent must not be granted under subclause (2) unless the consent authority is satisfied that:
 - (a) the development will contribute to achieving the objectives for the zone in which the land is located, and
 - (b) the appearance of any proposed structure, from both the waterway and adjacent foreshore areas, will be compatible with the surrounding area, and
 - (c) the development will not cause environmental harm such as:
 - (i) pollution or siltation of the waterway, or
 - (ii) an adverse effect on surrounding uses, marine habitat, wetland areas, flora or fauna habitats, or
 - (iii) an adverse effect on drainage patterns, and
 - (d) the development will not cause congestion of, or generate conflicts between, people using open space areas or the waterway, and

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Clause 7.8 Wollongong Local Environmental Plan 2009

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- (e) opportunities to provide continuous public access along the foreshore and to the waterway will not be compromised, and
- (f) any historic, scientific, cultural, social, archaeological, architectural, natural or aesthetic significance of the land on which the development is to be carried out and of surrounding land will be maintained, and
- (g) in the case of development for the alteration or rebuilding of an existing building wholly or partly in the foreshore area, the alteration or rebuilding will not have an adverse impact on the amenity or aesthetic appearance of the foreshore.

7.8 Illawarra Escarpment area conservation

- (1) The objective of this clause is to provide specific controls to protect, conserve and enhance the Illawarra Escarpment.
- (2) This clause applies to land shown as being within the Illawarra Escarpment area on the Illawarra Escarpment Map.
- (3) Development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied that the development:
 - (a) will be located so as to minimise any adverse impact on the natural features and environment of the Illawarra Escarpment, and
 - (b) will incorporate on the land, conservation and rehabilitation measures to enhance the Illawarra Escarpment.

7.9 Development in flight paths

- (1) The objectives of this clause are:
 - (a) to provide for the effective and on-going operation of the Illawarra Regional Airport, and
 - (b) to ensure that any such operation is not compromised by proposed development within the flight path of the airport.
- (2) Development consent must not be granted to erect a building on land in the flight path of the Illawarra Regional Airport if the proposed height of the building would exceed the obstacle height limit determined by the relevant Commonwealth body.
- (3) Before granting development consent to the erection of a building on land in the flight path of the Illawarra Regional Airport, the consent authority must:
 - (a) give notice of the proposed development to the relevant Commonwealth body, and

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- (b) consider any comment made by the relevant Commonwealth body within 28 days of its having been given notice of the proposed development, and
 - (c) consider whether the proposed use of the building will be adversely affected by exposure to aircraft noise.
- (4) For the purposes of this clause, land is in the *flight path of the Illawarra Regional Airport* if the relevant Commonwealth body has notified the consent authority that the land is in such a flight path.

7.10 Development in areas subject to airport noise

- (1) The objectives of this clause are to ensure that development in the vicinity of an airport site:
 - (a) has regard to the use of the site as an airport, and
 - (b) does not hinder or have any other adverse impact on the development or operation of the airport.
- (2) Development consent is required for the erection of a building for residential purposes, or for any other purpose involving regular human occupation, if the ANEF contour for the land on which the building is to be erected exceeds 20.
- (3) The following development is prohibited unless it meets the requirements of Australian Standard AS 2021—2000, *Acoustics—Aircraft noise intrusion—Building siting and construction* with respect to interior noise levels:
 - (a) residential accommodation on land for which the ANEF contour exceeds 20,
 - (b) business premises, entertainment facilities, office premises, public administration buildings, retail premises and tourist and visitor accommodation on land for which the ANEF contour exceeds 25.
- (4) The following development is prohibited:
 - (a) educational establishments, hospitals and places of public worship on land for which the ANEF contour exceeds 20,
 - (b) residential accommodation on land for which the ANEF contour exceeds 25,
 - (c) business premises, entertainment facilities, office premises, public administration buildings, retail premises and tourist and visitor accommodation on land for which the ANEF contour exceeds 30.

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(5) In this clause:

ANEF contour means a noise exposure contour shown as an ANEF contour on a plan of the Illawarra Regional Airport or surrounding land prepared by the relevant Commonwealth body or the private lessor of that Airport, a copy of which is available for inspection by the public during office hours in the office of the Council.

7.11 Location of sex services premises

- (1) Despite any other provision of this Plan, development consent must not be granted for development for the purposes of sex services premises if the premises will be located on land that adjoins, or is separated by a road only from, land:
 - (a) in Zone R1 General Residential, Zone R2 Low Density Residential, Zone R3 Medium Density Residential or Zone RE1 Public Recreation, or
 - (b) used for the purposes of a child care centre, a community facility, an educational establishment or a place of public worship.
- (2) In deciding whether to grant development consent for the purpose of sex services premises, the consent authority must consider the impact the proposed development would have on children likely to regularly frequent land that adjoins, or is in view of, the proposed development.

7.12 Serviced apartments

- (1) The objective of this clause is to prevent substandard residential building design occurring by way of converted serviced apartment development.
- (2) Development consent must not be granted for the strata subdivision of a building that is being, or has been, used as serviced apartments unless the consent authority is satisfied that, if the development was a residential flat building:
 - (a) the design quality principles set out in Part 2 of *State Environmental Planning Policy No 65—Design Quality of Residential Flat Development* would be achieved, and
 - (b) the design principles of the *Residential Flat Design Code* (published by the Department of Planning, September 2002) would be achieved.

7.13 Ground floor development on land within business zones

- (1) The objective of this clause is to ensure active uses are provided at the street level to encourage the presence and movement of people.

- (2) This clause applies to land in Zone B1 Neighbourhood Centre, Zone B2 Local Centre, Zone B3 Commercial Core or Zone B4 Mixed Use.
- (3) Development consent must not be granted for development for the purpose of a building on land to which this clause applies unless the consent authority is satisfied that the ground floor of the building:
 - (a) will not be used for the purpose of residential accommodation, and
 - (b) will have at least one entrance and at least one other door or window on the front of the building facing the street other than a service lane.

7.14 Minimum site width

- (1) Development consent must not be granted for development for the purposes of multi dwelling housing unless the site area on which the development is to be carried out has a dimension of at least 18 metres.
- (2) Development consent must not be granted for development for the purposes of a residential flat building unless the site area on which the development is to be carried out has a dimension of at least 24 metres.

7.15 Wollongong innovation campus

- (1) The objectives of this clause are as follows:
 - (a) to permit the establishment of a research and development campus that includes a hotel, student and campus related residential accommodation and necessary support services and facilities,
 - (b) to provide an area where enterprises that carry out research and development as an integral part of their operations can be located,
 - (c) to promote collaborative research and development between users of the land to which this clause applies and the University of Wollongong and other enterprises in the Illawarra region,
 - (d) to promote links between the University of Wollongong's research activities and the initiatives of the business community,
 - (e) to ensure that the development of the site is undertaken in a manner that demonstrates design of a high quality with respect to the context of the site, scale, built form and density of the development, resources, energy and water efficiency, landscape, amenity, safety and security, social dimensions and aesthetics,
 - (f) to ensure that development of the site is in harmony with the coastal and foreshore landscape,
 - (g) to permit the provision of university related facilities including student and campus related residential accommodation and

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support services, incidental or ancillary to research and development activities.

- (2) This clause applies to land shown as being within the Wollongong innovation campus on the Wollongong Innovation Campus Map.
- (3) Development consent must not be granted for the subdivision of land to which this clause applies unless the consent authority is satisfied that the subdivision is for the purpose only of defining the boundaries of lots that are to be the subject of leases.
- (4) Development consent must not be granted to development for the purposes of building on land to which this clause applies if the gross floor area of the building would be greater than 135,000 square metres.

7.16 Tallawarra Power Station buffer area

- (1) This clause applies to land shown hatched on the Tallawarra Power Station Buffer Area Map.
- (2) Development consent must not be granted to development for the purposes of a building on land to which this clause applies unless the consent authority is satisfied that adequate measures have been, or will be in place, to minimise the adverse impact on persons using the building from noise and odour produced by the Tallawarra Power Station.

7.17 Former Port Kembla Public School

- (1) This clause applies to land at Military Road, Port Kembla, being Lot 1, DP 811699.
- (2) Development consent must not be granted to development for the purposes of tourist and visitor accommodation on land to which this clause applies unless the consent authority is satisfied that the development will not result in the accommodation containing more than 10 bedrooms.

Part 8 Local provisions—Wollongong city centre

8.1 Objectives for development in Wollongong city centre

The objectives of this Part are as follows:

- (a) to promote the economic revitalisation of the Wollongong city centre,
- (b) to strengthen the regional position of the Wollongong city centre as a multifunctional and innovative centre that encourages employment and economic growth,
- (c) to protect and enhance the vitality, identity and diversity of the Wollongong city centre,
- (d) to promote employment, residential, recreational and tourism opportunities within the Wollongong city centre,
- (e) to facilitate the development of building design excellence appropriate to a regional city,
- (f) to promote housing choice and housing affordability,
- (g) to encourage responsible management, development and conservation of natural and man-made resources and to ensure that the Wollongong city centre achieves sustainable social, economic and environmental outcomes,
- (h) to protect and enhance the environmentally sensitive areas and natural and cultural heritage of the Wollongong city centre for the benefit of present and future generations.

8.2 Wollongong city centre—land to which Part applies

- (1) This Part applies to land within the Wollongong city centre.
- (2) A provision in this Part prevails over any other provision of this Plan to the extent of any inconsistency.

8.3 Sun plane protection

- (1) The objective of this clause is to protect specified public open space from excessive overshadowing by restricting the height of buildings.
- (2) This clause applies to land coloured yellow on the Sun Plane Protection Map.
- (3) Development on land to which this clause applies is prohibited if the development results in any part of a building projecting above a sun access control set out in this clause.

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Clause 8.3 Wollongong Local Environmental Plan 2009

Part 8 Local provisions—Wollongong city centre

(4) **MacCabe Park**

The sun access control for any point on land shown coloured yellow on the Sun Plane Protection Map and marked “MacCabe Park—Burelli Street” is:

- (a) 32 metres above the point, or
- (b) if the point is within 26.4 metres of the boundary of Burelli Street— $16 + (0.6061 \times D)$ metres above the point,

where **D** is the shortest distance in metres between the point and the boundary of Burelli Street.

(5) The sun access control for any point on land shown coloured yellow on the Sun Plane Protection Map and marked “MacCabe Park—Keira Street” is:

- (a) 24 metres above the point, or
- (b) if the point is within 4.4 metres of the boundary of Keira Street— $20 + (0.9091 \times D)$ metres above the point,

where **D** is the shortest distance in metres between the point and the boundary of Keira Street.

(6) **Civic Square**

The sun access control for any point on land shown coloured yellow on the Sun Plane Protection Map and marked “Civic Square” is:

- (a) 32 metres above the point, or
- (b) if the point is within 30.6 metres of the boundary of Crown Street— $12 + (0.6535 \times D)$ metres above the point,

where **D** is the shortest distance in metres between the point and the boundary of Crown Street.

(7) **Pioneer Park**

The sun access control for any point on land shown coloured yellow on the Sun Plane Protection Map and marked “Pioneer Park” is:

- (a) 24 metres above the point, or
- (b) if the point is within 19 metres of the boundary of Pioneer Park— $16 + (0.6154 \times (D - 6))$ metres above the point,

where **D** is the shortest distance in metres between the point and the boundary of Pioneer Park.

(8) Market Square

The sun access control for any point on land shown coloured yellow on the Sun Plane Protection Map and marked “Market Square—North” is:

- (a) 16 metres above the point, or
- (b) if the point is within 10.6 metres of the northern boundary of Market Place— $12 + (0.6061 \times (D - 4))$ metres above the point,

where ***D*** is the shortest distance in metres between the point and the northern boundary of Market Place.

(9) Market Square—West

The sun access control for any point on land shown coloured yellow on the Sun Plane Protection Map and marked “Market Square—West” is:

- (a) 16 metres above the point, or
- (b) if the point is within 9.4 metres of the western boundary of Market Place— $12 + (0.7407 \times (D - 4))$ metres above the point,

where ***D*** is the shortest distance in metres between the point and the western boundary of Market Place.

- (10) If a calculation for a sun access control for a point gives a figure of zero or less, the sun access control is taken to be at the same height as the point.
- (11) A reference in this clause to a ***point on land*** means a point at ground level (existing) on the land.
- (12) This clause does not apply to development if it is the refurbishment of a building.

8.4 Minimum building street frontage

- (1) The objective of this clause is to ensure that buildings have a minimum width to provide for the efficient development of land and design of buildings.
- (2) Development consent must not be granted to the erection of a building that does not have at least one street frontage of 20 metres or more on land within Zone B3 Commercial Core, B4 Mixed Use or B6 Enterprise Corridor.
- (3) Despite subclause (2), the consent authority may grant consent to the erection of a building on land referred to in that subclause if it is of the opinion that it is not physically possible for the building to be erected with at least one street frontage of 20 metres or more.

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Clause 8.5 Wollongong Local Environmental Plan 2009

Part 8 Local provisions—Wollongong city centre

8.5 Design excellence

- (1) The objective of this clause is to deliver the highest standard of architectural and urban design.
- (2) This clause applies to development involving the construction of a new building or external alterations to an existing building.
- (3) Development consent must not be granted to development to which this clause applies unless, in the opinion of the consent authority, the proposed development exhibits design excellence.
- (4) In considering whether development to which this clause applies exhibits design excellence, the consent authority must have regard to the following matters:
 - (a) whether a high standard of architectural design, materials and detailing appropriate to the building type and location will be achieved,
 - (b) whether the form and external appearance of the proposed development will improve the quality and amenity of the public domain,
 - (c) whether the proposed development detrimentally impacts on view corridors,
 - (d) whether the proposed development detrimentally overshadows an area shown distinctively coloured and numbered on the Sun Plane Protection Map,
 - (e) how the proposed development addresses the following matters:
 - (i) the suitability of the land for development,
 - (ii) existing and proposed uses and use mix,
 - (iii) heritage issues and streetscape constraints,
 - (iv) the location of any tower proposed, having regard to the need to achieve an acceptable relationship with other towers (existing or proposed) on the same site or on neighbouring sites in terms of separation, setbacks, amenity and urban form,
 - (v) bulk, massing and modulation of buildings,
 - (vi) street frontage heights,
 - (vii) environmental impacts such as sustainable design, overshadowing, wind and reflectivity,
 - (viii) the achievement of the principles of ecologically sustainable development,

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- (ix) pedestrian, cycle, vehicular and service access, circulation and requirements,
 - (x) impact on, and any proposed improvements to, the public domain.
- (5) Development consent must not be granted to the following development to which this clause applies unless a design review panel has reviewed the design of the proposed development:
- (a) development in respect of a building that is, or will be, greater than 35 metres in height,
 - (b) development having a capital value of more than \$1,000,000 on a key site, being a site shown edged heavy black and distinctively coloured on the Key Sites Map,
 - (c) development for which the applicant has chosen to have such a review.
- (6) In this clause:
- design review panel* means a panel of 2 or more persons established by the consent authority for the purposes of this clause.

8.6 Building separation within Zone B3 Commercial Core or Zone B4 Mixed Use

- (1) The objective of this clause is to ensure sufficient separation of buildings for reasons of visual appearance, privacy and solar access.
- (2) Buildings on land within Zone B3 Commercial Core or B4 Mixed Use must be erected so that:
 - (a) there is no separation between neighbouring buildings up to the street frontage height of the relevant building or up to 24 metres above ground level whichever is the lesser, and
 - (b) there is a distance of at least 12 metres from any other building above the street frontage height and less than 45 metres above ground level, and
 - (c) there is a distance of at least 28 metres from any other building at 45 metres or higher above ground level.
- (3) Despite subclause (2), if a building contains a dwelling, all habitable parts of the dwelling including any balcony must not be less than:
 - (a) 20 metres from any habitable part of a dwelling contained in any other building, and
 - (b) 16 metres from any other part of any other building.
- (4) For the purposes of this clause, a separate tower or other raised part of the same building is taken to be a separate building.

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Clause 8.7 Wollongong Local Environmental Plan 2009

Part 8 Local provisions—Wollongong city centre

- (5) In this clause:
street frontage height means the height of that part of a building that is built to the street alignment.

8.7 Shops in Zone B4 Mixed Use

- (1) The objective of this clause is to limit the size of shops in Zone B4 Mixed Use to ensure that land within Zone B3 Commercial Core remains the principal retail area.
- (2) Development consent must not be granted for development for the purpose of a shop on land in Zone B4 Mixed Use if the gross floor area of the shop is to be more than 400 square metres.

Schedule 1 Additional permitted uses

(Clause 2.5)

1 Use of certain land at Buttershaw Drive, Austinmer

- (1) This clause applies to land at 99 Buttershaw Drive, Austinmer, being Lot 7, DP 223280.
- (2) Development for the purposes of a dwelling house is permitted with consent.

2 Use of certain land at Lawrence Hargrave Drive, Clifton

- (1) This clause applies to land at Lawrence Hargrave Drive, Clifton, being Lot 100, DP 1118518.
- (2) Development for the purposes of hotel or motel accommodation, a pub and a restaurant is permitted with consent.

3 Use of certain land at Jarvie Road, Cringila

- (1) This clause applies to land at Jarvie Road, Cringila, being Lot 2, DP 217590.
- (2) Development for the purposes of a resource recovery facility is permitted with consent.

4 Use of certain land at O'Briens Road, Figtree

- (1) This clause applies to land at O'Briens Road, Figtree, being Lot 21, DP 939374.
- (2) Development for the purposes of the subdivision of the land into 2 lots, and the erection of one dwelling house on the lot within Zone E3 Environmental Management is permitted with consent.

5 Use of certain land at Princes Highway, Figtree

- (1) This clause applies to land at 47 Princes Highway, Figtree, being land that was formerly Lot 11, DP 609167.
Note. This land is shown on the map marked "City of Wollongong Local Environmental Plan 1990 (Amendment No 154)" deposited in the office of the Council.
- (2) Development for the purposes of a residential flat building is permitted with consent.

6 Use of certain land at Macquarie Place, Haywards Bay

- (1) This clause applies to land at 1–22 Macquarie Place, Haywards Bay, being Lots 101–108, DP 1070495.

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Schedule 1 Additional permitted uses

- (2) Development for the purposes of bulky goods premises, a service station and vehicle sales or hire premises is permitted with consent.

7 Use of certain land at Paynes Road, Kembla Grange

- (1) This clause applies to land at Paynes Road, Kembla Grange, being Lot 223, DP 751278.
- (2) Development for the purposes of a dwelling house is permitted with consent.

8 Use of certain land at Princes Highway, Maddens Plains

- (1) This clause applies to land at Princes Highway, Maddens Plains, being Lot 1, DP 1048847 and Lots 2–4, DP 240566.
- (2) Development for the purposes of a function centre and tourist and visitor accommodation is permitted with consent but only if any such development is consistent with Major Project Concept Plan approval MP 2006/305 issued by the Department of Planning on 13 January 2009.
- (3) This clause is repealed on 13 January 2012.

9 Use of certain land at 84A Princes Highway, Maddens Plains

- (1) This clause applies to land at 84A Princes Highway, Maddens Plains, being Lot A, DP 408911.
- (2) Development for the purposes of an educational establishment is permitted with consent.

10 Use of certain land at North Marshall Mount Road, Marshall Mount

- (1) This clause applies to land at North Marshall Mount Road, Marshall Mount, being Lots 1–3, DP 852180.
- (2) Development for the purposes of the subdivision of the land into 6 lots, and the erection of a dwelling house on each lot is permitted with consent.

11 Use of certain land at Kirkwood Place, Mount Kembla

- (1) This clause applies to land at 1 Kirkwood Place, Mount Kembla, being Lot 2, DP 206691.
- (2) Development for the purposes of a dwelling house is permitted with consent.

12 Use of certain land at Lawrence Hargrave Drive, Scarborough

- (1) This clause applies to land at Lawrence Hargrave Drive, Scarborough, being Lot 1, Section 4, DP 1659, Lot 1, DP 982323 and Lot 1, Section A, DP 2693.
- (2) Development for the purposes of hotel or motel accommodation, a pub and a restaurant is permitted with consent.

13 Use of certain land at Hawthorn Street, Tarrawanna

- (1) This clause applies to land at Hawthorn Street, Tarrawanna, being Lot 2, DP 793302.
- (2) Development for the purposes of a dwelling house is permitted with consent.

14 Use of certain land at Princes Highway, Thirroul

- (1) This clause applies to land at 57 Princes Highway, Thirroul, being Lot 1, DP 998258.
- (2) Development for the purposes of a dwelling house is permitted with consent.

15 Use of certain land at Carr Street, Towradgi

- (1) This clause applies to land at 12 Carr Street, Towradgi, being Lot 6, DP 749492.
- (2) Development for the purposes of the subdivision of the land in Zone R2 Low Density Residential into 3 lots, and the erection of 2 single storey dwelling houses, is permitted with consent.

16 Use of certain land at Central Road and Albert Street, Unanderra

- (1) This clause applies to land at 23A Central Road, Unanderra, being Lot 20, DP 774581 and land at 1 Albert Street, Unanderra, being Lot 21, DP 774581.
- (2) Development for the purposes of business premises is permitted with consent.

17 Use of certain land at Lady Penrhyn Drive, Unanderra

- (1) This clause applies to land at 30–40 Lady Penrhyn Drive, Unanderra, being Lot 1, DP 815554.
- (2) Development for the purposes of a correctional centre is permitted with consent.

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Schedule 1 Additional permitted uses

18 Use of certain land at Crown Street, Wollongong

- (1) This clause applies to land at 9–11 Crown Street, Wollongong, being Lot 101, DP 872951 and Lots 1, 6 and 7, DP 1091530.
- (2) Development for the purposes of commercial premises, markets or shops is permitted with consent, but only if the development is part of the entertainment centre complex.

19 Use of certain land at Crown Street and Harbour Street, Wollongong

- (1) This clause applies to land at Crown Street and Harbour Street, Wollongong, being Part Lot 143 and Part Lot 144, DP 786508 as shown edged heavy black on the map marked “City of Wollongong Local Environmental Plan 1990 Amendment No 2”.
- (2) Development for the purposes of office premises and retail premises is permitted with consent.

20 Use of certain land at Ross Street, Wollongong

- (1) This clause applies to land at 1 Ross Street, Wollongong, being Lots 101–106, DP 1125366.
- (2) Development for the purposes of a hospital is permitted with consent.

21 Use of certain land at Wollongong and North Wollongong

- (1) This clause applies to land at 1–82A Cliff Road and 2 Georges Place, Wollongong and 1–13 Bourke St, North Wollongong being Lots 1, 2 and 3, DP 17709; Part Lot 1, DP 434751; Lot 2, DP 1059775; Part Lot 2, DP 337677; Part Lot B, DP 367260; Lot 1, DP 883351; Lot 101, DP 1021913; Part Lot D, DP 155466; Lot 21, DP 1032058; Lot 22, DP 1047028; Lots 1 and 2, DP 534773; Lot 1, DP 629931; Lot 4, DP 546014; Lot 78, DP 1097836; Lot 7, DP 565904; Lot 1, DP 87310; Lot 30, DP 511757; Lot 1, DP 112803; Lot 19, DP 550947; Lot 1, DP 603683; Lot 40, DP 1084880; Lot 1, DP 231198; Lot 2, DP 150830; Lot 1, DP 612629; Lot 1, DP 714625; Lot 3, DP 1106063; Lot 20, DP 607507; Lot 20, DP 607507 and Lot 19, DP 996430.
- (2) Development for the purposes of a restaurant is permitted with consent, but only if the restaurant is located on the ground floor.
- (3) Development for the purposes of hotel or motel accommodation and serviced apartments is permitted with consent.

22 Use of certain land at Princes Highway, Yallah

- (1) This clause applies to land at Princes Highway, Yallah, being Lot 1, DP 156657.

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- (2) Development for the purposes of a place of public worship is permitted with consent.

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Schedule 2 Exempt development

Schedule 2 Exempt development

(Clause 3.1)

Note 1. *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008* specifies exempt development under that Policy. That Policy has State-wide application. This Schedule contains additional exempt development not specified in that Policy.

Note 2. Exempt development may be carried out without the need for development consent under the Act. Such development is not exempt from any approval, licence, permit or authority that is required under any other Act and adjoining owners' property rights and the common law still apply.

Advertisements—general requirements

- (1) Must be non-moving.
- (2) Must be at least 600mm from any public road.
- (3) Must be at least 2.6m above any public footpath.
- (4) Must relate to the lawful use of the building (except for temporary signs).
- (5) Must be within the boundary of the property to which it applies, unless in a business or an industrial zone.
- (6) Must reflect the character and style of any building to which it is attached.
- (7) Must not be detrimental to the character and functioning of the building.
- (8) Must not be on walls facing or adjoining residential premises.
- (9) Must not be an “A” frame sign.
- (10) Must have the consent of the owner of the property on which the sign is located.

Advertisements—business identification signs for businesses other than brothels in business zones

(1) Underawning sign

Sign attached to the underside of an awning other than a fascia or return end:

- (a) must meet the general requirements for advertisements, and
- (b) 1 sign per ground floor premises with street frontage, and
- (c) maximum length—2.5m, and
- (d) maximum height—0.5m, and
- (e) must not be flashing.

(2) Projecting wall sign (excluding underawning signs)

Sign attached to the wall of a building (other than the transom of a doorway or display window) and projecting more than 300mm:

- (a) must meet the general requirements for advertisements, and
- (b) 1 sign per premises or 1 per street frontage, whichever is the greater, and
- (c) maximum projection—1.5m, and
- (d) maximum area—1.5m², and
- (e) must not be flashing.

(3) Flush wall sign

Sign attached to the wall of a building (other than the transom of a doorway or display window) and not projecting more than 300mm:

- (a) must meet the general requirements for advertisements, and
- (b) maximum area—2.5m², and
- (c) must not be flashing.

(4) Top hamper sign

Sign attached to the transom of a doorway or display window of a building:

- (a) must meet the general requirements for advertisements, and
- (b) maximum area—2.5m², and
- (c) must not be flashing.

(5) Fascia signs

Sign attached to the fascia or return of the awning:

- (a) must meet the general requirements for advertisements, and
- (b) 1 sign per premises, and
- (c) must not project above or below, or more than 300mm from, the fascia or return end of the awning to which it is attached, and
- (d) must not be flashing.

Advertisements—business identification signs for businesses other than brothels in industrial zones

- (1) Must meet the general requirements for advertisements.
- (2) 1 pole or pylon sign per premises (including any directory board for multiple occupancies).
- (3) Maximum height—5m.

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- (4) Must be within 5m of any public entry point to the premises.
- (5) Must not obstruct the sight line of vehicle or pedestrian traffic.
- (6) For multiple occupancy premises, 1 additional business identification sign is permitted at the entrance to each occupied unit, maximum area—1.2m².
- (7) For single occupancy premises, 1 additional business identification sign is permitted, maximum area—50m² or 1m² per 3m of street frontage, whichever is the lesser.

Advertisements—business identification signs in residential zones

- (1) Must meet the general requirements for advertisements.
- (2) 1 sign per premises.
- (3) Maximum area—0.75m².
- (4) If a pole or pylon sign, maximum height—2m.
- (5) Must not be illuminated or flashing.

Advertisements—business identification signs in rural zones

- (1) Must meet the general requirements for advertisements.
- (2) 1 sign per premises.
- (3) Maximum area—0.75m² (except if a pole or pylon sign).
- (4) If a pole or pylon sign, maximum area—2m² and maximum height—2m.
- (5) Must not be illuminated or flashing.

Advertisements—public notices displayed by public body giving information or direction about services provided

- (1) Must meet the general requirements for advertisements.
- (2) Maximum height—5m.
- (3) Maximum area—5m².
- (4) Must not obstruct the sight line of vehicle or pedestrian traffic.
- (5) Must not be flashing.

Advertisements—real estate signs (advertising land development)

- (1) Must meet the general requirements for advertisements.
- (2) Maximum area—6m² for each 25 lots being advertised.

Advertisements—real estate signs (advertising premises or land for sale or rent) in business or industrial zones

- (1) Must meet the general requirements for advertisements.
- (2) Maximum area—4.5m².
- (3) Must be within the boundary of the advertised property.
- (4) Must not be flashing.
- (5) Must be removed within 14 days after the premises or land is sold or let.

Advertisements—real estate signs (advertising premises or land for sale or rent) in residential or rural zones

- (1) Must meet the general requirements for advertisements.
- (2) Maximum area—2.5m².
- (3) Must not be flashing.
- (4) Must be removed within 14 days after the premises or land is sold or let.

Advertisements—signs behind glass line of shop window in Zone B1, B3, B4, B6 or IN2 (other than in brothels)

- (1) Must meet the general requirements for advertisements.
- (2) Must not occupy more than 25% of the area of the window.
- (3) Must not be flashing.

Advertisements—temporary signs for religious, cultural, social or recreational events

- (1) Must meet the general requirements for advertisements.
- (2) 1 per street frontage.
- (3) Maximum area—1.5m² and maximum height—1.5m in residential and rural zones.
- (4) Maximum area—3.5m² and maximum height—2m in commercial and industrial zones.
- (5) Must not include commercial advertising apart from name of event sponsor.
- (6) Must not be displayed earlier than 28 days before, or later than 14 days after, the event.
- (7) Must not be used in relation to recurring events.
- (8) Must not be flashing.

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Advertisements—in site, but not visible from outside of site (other than in brothels)

Must meet the general requirements for advertisements.

Filming

- (1) **Note.** Provision repealed under the *Standard Instrument (Local Environmental Plans) Order 2006*.
- (2) May only be carried out on land:
 - (a) on which there is a heritage item, or
 - (b) within a heritage conservation area, or
 - (c) identified in clause 3.3 as an environmentally sensitive area for exempt development,if the filming does not involve or result in any of the following:
 - (d) any changes or additions that are not merely superficial and temporary to any part of a heritage item, a heritage conservation area or an environmentally sensitive area,
 - (e) the mounting or fixing of any object or article on any part of such an item or area (including any building or structure),
 - (f) the movement, parking or standing of any vehicle or equipment on or over any part of such an item or area that is not specifically designed for the movement, parking or standing of a vehicle or equipment on or over it,
 - (g) any changes to the vegetation on, or level of, such an item or area or any changes to any other natural or physical feature of the item or area.
- (3) Must not create significant interference with the neighbourhood.
- (4) The person carrying out the filming must obtain a policy of insurance that adequately covers the public liability of the person in respect of the filming for an amount of not less than \$10,000,000.
- (5) If the filming is carried out on private land, the filming must not be carried out for more than 30 days within a 12-month period at the particular location.
- (6) A filming management plan must be prepared and lodged with the consent authority for the location at least 5 days before the commencement of filming at the location. The plan must contain the

following information and be accompanied by the following documents (without limiting the information or documents that may be submitted):

- (a) the name, address and telephone number of the person carrying out the filming (such as a production company) and of the producer for the filming,
- (b) a brief description of the filming to be carried out (for example, a television commercial, a television series, a feature film or a documentary),
- (c) the proposed location of the filming,
- (d) the proposed commencement and completion dates for the filming at the location,
- (e) the proposed daily length of filming at the location,
- (f) the number of persons to be involved in the filming,
- (g) details of any temporary structures (for example, tents or marquees) to be erected or used at the location for the purposes of the filming,
- (h) the type of filming equipment to be used in the filming (such as a hand-held or mounted camera),
- (i) proposed arrangements for parking vehicles associated with the filming during the filming,
- (j) whether there will be any disruption to the location of the filming or the surrounding area and the amenity of the neighbourhood (for example, by the discharge of firearms or explosives, the production of offensive noise, vibrations, disruption to traffic flow or the release of smells, fumes, vapour, steam, soot, ash, dust, waste water, grit or oil),
- (k) whether the filming will involve the use of outdoor lighting or any other special effects equipment,
- (l) a copy of the public liability insurance policy that covers the filming at the location,
- (m) a copy of any approval given by a public or local authority to carry out an activity associated with the proposed filming at the location, such as the following:
 - (i) an approval by the Roads and Traffic Authority for the closure of a road,
 - (ii) an approval by the Council for the erection or use of a temporary structure, closure of a road or a public footpath, or a restriction in pedestrian access,
 - (iii) an approval by the Environment Protection Authority for an open fire,

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- (iv) an approval by the NSW Police Force for the discharge of firearms,
 - (v) an approval by the Land and Property Management Authority for the use of Crown land,
 - (n) details of any temporary alteration or addition to any building or work at the location for the purposes of the filming.
- (7) The person carrying out the filming must, at least 5 days before the commencement of filming at the particular location, give notice in writing (by way of a letter-box drop) of the filming to residents within a 50m radius of the location. The notice must contain the following information:
- (a) the name and telephone number of the person carrying out the filming (such as a production company) and of a contact representative of that person,
 - (b) a brief description of the filming to be carried out at the location, and any proposed disruptions to the location or the surrounding area or the amenity of the neighbourhood,
 - (c) the proposed commencement and completion dates for the filming at the location,
 - (d) the proposed daily length of filming at the location.

Rainwater tanks

Note. Rainwater tanks are exempt development under *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008*. Only that Policy applies.

- (1) Must not be installed or erected on land:
 - (a) that is within a heritage conservation area or within the curtilage of a heritage item, or
 - (b) that is within 40m of a perennial watercourse identified by a 1:50,000 topographic map held by the Land and Property Management Authority, or
 - (c) the surface of which has a slope greater than 18 degrees from the horizontal, or
 - (d) that is a lot within the meaning of the *Strata Schemes (Freehold Development) Act 1973* or the *Strata Schemes (Leasehold Development) Act 1986*.
- (2) Must be located:
 - (a) behind the front alignment to the street of the building to which the tank is connected (or in the case of a building on a corner

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- block, behind both the street front and the street side alignments of the building), and
- (b) at least 450mm from any property boundary.
- (3) Must not be installed or erected:
- (a) over or immediately adjacent to a water main or sewer main unless it is installed in accordance with any requirements of the public authority that has responsibility for the main, or
 - (b) over any structure or fitting used by a public authority to maintain a water main or sewer main, or
 - (c) on a footing of any building or other structure, including a retaining wall.
- (4) The installation or erection of the rainwater tank must not:
- (a) require a tree to be removed, or
 - (b) involve the excavation of more than 1m from the existing ground level, or the filling of more than 1m above the existing ground level.
- (5) Subject to this clause, the capacity of the rainwater tank, or the combined capacity of the tanks, on a lot must not exceed 10,000L (or in the case of a tank or tanks used for an educational establishment, 25,000L).
- (6) The rainwater tank must:
- (a) be designed to capture and store roof water from gutters or downpipes on a building, and
 - (b) be fitted with a first-flush device, being a device that causes the initial run-off of any rain to bypass the tank to reduce pollutants entering the tank, and
 - (c) be structurally sound, and
 - (d) be prefabricated, or be constructed from prefabricated elements that were designed and manufactured for the purpose of the construction of a rainwater tank, and
 - (e) be assembled and installed in accordance with the manufacturer's or tank designer's specifications, and
 - (f) be installed and maintained (including any stand for the tank) in accordance with any requirements of the public authority that has responsibility for the supply of water to the premises on which the tank is installed, and
 - (g) be enclosed, and any inlet to the tank must be screened or filtered, to prevent the entry of foreign matter or creatures, and
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- (h) be maintained at all times so as not to cause a nuisance with respect to mosquito breeding or overland flow of water, and
 - (i) have a sign affixed to it clearly stating that the water in the tank is rainwater.
- (7) The rainwater tank must not:
- (a) collect water from a source other than gutters or downpipes on a building or a water supply service pipe, or
 - (b) exceed 3m in height above ground level, including any stand for the tank.
- (8) Any overflow from the rainwater tank must be directed into an existing stormwater system.
- (9) Any plumbing work undertaken on or for the rainwater tank that affects a water supply service pipe or a water main must be undertaken:
- (a) with the consent of the public authority that has responsibility for the water supply service pipe or water main, and
 - (b) in accordance with any requirements by the public authority for the plumbing work, and
 - (c) by a licensed plumber in accordance with the *New South Wales Code of Practice for Plumbing and Drainage* produced by the Committee on Uniformity of Plumbing and Drainage Regulations in NSW.
- (10) Any motorised or electric pump used to draw water from the rainwater tank or to transfer water between rainwater tanks:
- (a) must not create an offensive noise, and
 - (b) in the case of a permanent electric pump, must be installed by a licensed electrician.

Satellite TV dishes

Note. Satellite TV dishes are exempt development under *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008*. Only that Policy applies.

- (1) Must not be installed or erected:
 - (a) on land within a heritage conservation area or within the curtilage of a heritage item, or
 - (b) less than 1m from any easement or sewer main.
- (2) Must be installed or erected wholly within the boundaries of a property.
- (3) If roof mounted, must have a diameter not exceeding 90cm (excluding any projecting feed element) and its height at any point must not exceed

the highest point of the roof (if the roof is peaked) or 1.2m above the roof (if the roof is flat).

- (4) If ground mounted, must have a diameter not exceeding 90cm (excluding any projecting feed element) and its height must not exceed 1.2m above the highest point of the roof of the dwelling on which, or adjacent to which, it is erected.
- (5) If installed or erected on land within a Business or Industrial zone, must comply with the following:
 - (a) if roof mounted, must have a diameter not exceeding 1.8m (excluding any projecting feed element) and its height at any point must not exceed 1.8m above the highest point of the roof structure,
 - (b) if ground mounted, must have a diameter not exceeding 1.8m (excluding any projecting feed element) and its height must not exceed 1.8m above the highest point of the roof of any building on which, or adjacent to which, it is erected.
- (6) Must be installed in accordance with the manufacturer's specifications and any relevant standard specified by Standards Australia.
- (7) Must not affect the structural integrity of any building on which it is erected.

Tents or marquees used solely for filming purposes

- (1) May only be used in connection with filming that is exempt development.
- (2) Total floor area of all tents or marquees on location at the same time must not exceed 200m².
- (3) Must be located within at least 3m from any boundary adjoining a public road and at least 1m from any other boundary.
- (4) Must have the following number of exits arranged so as to afford a ready means of egress from all parts of the tent or marquee to open space or a road:
 - (a) 1 exit if the floor area of the tent or marquee does not exceed 25m²,
 - (b) 2 exits in any other case.
- (5) Width of each exit must be at least:
 - (a) 800mm if the floor area of the tent or marquee is less than 150m², or
 - (b) 1m in any other case.

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- (6) Height of the walls must not exceed:
 - (a) 4m if erected on private land, or
 - (b) 5m in any other case.
- (7) Height as measured from the surface on which the tent or marquee is erected to the highest point of the tent or marquee must not exceed 6m.
- (8) Must resist loads determined in accordance with the following Australian and New Zealand Standards entitled:
 - (a) AS/NZS 1170.0:2002, *Structural design actions—General principles*,
 - (b) AS/NZS 1170.1:2002, *Structural design actions—Permanent, imposed and other actions*,
 - (c) AS/NZS 1170.2:2002, *Structural design actions—Wind actions*.
- (9) Must not remain at the location more than 2 days after the completion of the filming at the location.

Temporary structures (other than tents and marquees), and temporary alterations or additions to buildings or works, solely for filming purposes

- (1) May only be erected, used, altered or added to in connection with filming that is exempt development.
- (2) Temporary structure must not be at the location for more than 30 days within a 12-month period.
- (3) Alteration or addition to the building or work must not remain in place for more than 30 days within a 12-month period.
- (4) Temporary structure, or building or work in its altered or added to form, must not be accessible to the public.

Schedule 3 Complying development

(Clause 3.2)

Note 1. *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008* specifies complying development and the complying development conditions under that Policy. That Policy has State-wide application.

Note 2. Information relevant to this Part is also contained in the Act, the *Environmental Planning and Assessment Regulation 2000*, the *Protection of the Environment Operations Act 1997* and the *Roads Act 1993*.

Part 1 Types of Development

Note. This Part refers to complying development not specified in *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008*.

Alterations and additions to industrial and warehouse buildings in industrial zones

- (1) Must not be on lots that are adjacent to land in residential or recreation zones.
- (2) Must not involve change to the use of the premises.
- (3) Maximum additional floor area—1,000m² or 25% of existing floor area (whichever is the lesser).
- (4) Maximum floor space ratio—1:1.
- (5) Maximum height of any structure—8.5m.
- (6) Minimum setback for any structure:
 - (a) from an arterial road (or arterial road widening)—20m, or
 - (b) from a local road (or local road widening)—10m, or
 - (c) from other boundaries—5m.
- (7) Minimum setback for any paved area wider than 1.5m:
 - (a) from an arterial road (or arterial road widening)—5m, or
 - (b) from a local road (or local road widening)—5m, or
 - (c) from other boundaries—3.5m.
- (8) Must have at least 1 window opening, door opening or other wall variation of more than 50mm for every 20m of wall length facing the front boundary.
- (9) Earthworks must not extend more than:
 - (a) 900mm above ground level (existing), or
 - (b) 600mm below ground level (existing).

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- (10) Any roof or surface drainage area must have a drainage system that:
 - (a) captures the roof or surface water, and
 - (b) discharges that water into the inter-allotment or street stormwater drainage system, and
 - (c) limits the rate of discharge into Council's kerb and gutter to less than 20L per second without using on-site detention systems, and
 - (d) caters for a 1 in 20 year storm event and directs excess water over land to the street.
- (11) Must provide and maintain, adjacent to any street, a landscaped area with a minimum width of 5m that is designed by a suitably qualified landscape architect and that has mounding to a height of at least 600mm along the majority of any frontage to an arterial road.
- (12) Must ensure that there are in each landscaped area at least 3 trees (that grow to a mature height of over 5m), 6 shrubs (that grow to a mature height of over 1.5m) and 20 smaller plants.
- (13) Must provide a landscaped bay with a minimum width of 1.5m containing at least 1 tree, at the end of at least every 10 car parking spaces in the front setback.
- (14) Must provide at least 1 car parking space for every 40m² of gross floor area of any building used for the purpose of office premises and at least 1 car parking space for every 70m² of gross floor of any building used for any other purpose.
- (15) Must not reduce any vehicle loading area or remove any such area.
- (16) Must not change the location or number of driveway entries onto the property.
- (17) Driveways must:
 - (a) be at least 10m from any road intersection, and
 - (b) be no wider than 7m crossing any landscaped strip to the front street or a side street, and
 - (c) permit all vehicles to enter and exit the site in a forward direction.
- (18) Must locate garbage and storage areas behind the building line for each street frontage.

Dwelling houses in Zone R5 Large Lot Residential

- (1) Must be the construction of a dwelling house including any ancillary development related to that house (such as garages, awnings or swimming pools).
- (2) Must be entirely in Zone R5 Large Lot Residential.

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- (3) The property must have a street frontage width of at least 20m and an area of at least 2,500m².
 - (4) Maximum floor space ratio—0.1:1.
 - (5) The setback from the front property boundary:
 - (a) to the front wall of the dwelling house closest to the street must be between 12m and 25m, and
 - (b) to any other front walls of the dwelling house that are over 2m wide must be between 4.5m and 8m.
 - (6) Maximum width of the dwelling (not including ancillary components)—20m.
 - (7) Maximum depth of the dwelling (not including ancillary components)—20m.
 - (8) Minimum setback from the rear property boundary to the rear walls of the dwelling—12m.
 - (9) Minimum setback from side property boundaries to the walls of the dwelling—5m.
 - (10) Maximum height of any structure (other than a structure that is exempt development)—8.5m.
 - (11) Maximum height of a single storey structure (other than a structure that is exempt development)—5m.
 - (12) Maximum number of storeys—2.
 - (13) Maximum height of the ground floor level—800mm above ground level (existing).
 - (14) Maximum height of any raised platform (associated with a deck, retaining wall, fill or otherwise) behind the front setback—800mm but if within 3m of any property boundary—300mm.
 - (15) Earthworks must not extend more than:
 - (a) 300mm above ground level (existing), or
 - (b) 500mm above ground level (existing) if retained behind an edge beam wall of the dwelling, or
 - (c) 500mm below ground level (existing).
 - (16) Maximum depth of any second storey balcony—3m.
 - (17) Any second storey balcony must be at least 10m from the rear property boundary.
 - (18) Maximum height between a floor and the ceiling above—4.5m.
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- (19) Minimum height between a floor in a habitable area and the ceiling above—2.4m.
- (20) Materials, colours and finishes must be visually compatible with those existing in the surrounding area.
- (21) Must provide and maintain, on the rear half of the property, private open space of at least 300m² with a minimum width of 6m.
- (22) Must provide and maintain, on the rear half of the property, a soft landscaped area of at least 100m² with a minimum width of 5m that has no hard paved surface other than garden edging, retaining structure or similar.
- (23) Must provide and maintain, on the front setback, a soft landscaped area of at least 15m² with a minimum width of 2.5m that has no hard paved surface other than garden edging, retaining structure or similar.
- (24) Must ensure that there are at least 3 trees (that grow to a mature height of over 5m and are not exempt trees), 6 shrubs (that grow to a mature height of over 1.5m) and 20 smaller plants.
- (25) Must provide and maintain at least 2 car parking spaces, 1 that is behind the building line and is at least 3m wide and 5.5m long (that must be covered) and 1 that is at least 2.5m wide and 5.5m long (that may be covered, but only if behind the building line).
- (26) Maximum width of any garage or carport (including walls)—7m (unless entirely behind the dwelling).
- (27) Any garage or carport must be set back at least 1m behind the front wall of the dwelling closest to the street.
- (28) Maximum width of driveways at the property boundary—6m.
- (29) Minimum distance of driveways from any road intersection—6m.
- (30) Driveways outside the property boundary must be constructed at right angles to the kerb and guttering and must be at least 500mm from any telegraph pole, street furniture or drainage structure.
- (31) Any covered outdoor area (including awnings, pergolas, gazebos, verandahs, entry foyers or similar) must be open for at least 50% of its perimeter between 1m and 2m above the inside floor level.
- (32) Any structure with a roof area of more than 10m² must have guttering and downpipes that capture the water from the roofed area and discharge that water:
 - (a) into the inter-allotment or street stormwater drainage system, or
 - (b) into rainwater tanks that discharge any overflow into any such stormwater system.

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- (33) Maximum area of any swimming pool or spa pool—50m².
- (34) Any swimming pool or spa pool:
- (a) must be behind the dwelling, and
 - (b) must be at least 1.2m from any side or rear property boundary, and
 - (c) must be at least 4m from the principal access point to the main living areas of the dwelling, and
 - (d) must be surrounded by a graded surface that diverts water away from the pool, buildings and neighbouring properties.
- (35) Maximum height of any coping or decking around a swimming pool or spa pool—900mm above ground level (natural) or if within 3m of any side or rear property boundary—400mm above ground level (natural).

Part 2 Complying development certificate conditions

Note 1. Complying development must comply with the requirements of the Act, the *Environmental Planning and Assessment Regulation 2000* and the conditions listed in this Part.

Note 2. A contributions plan setting out the contribution requirements towards the provision or improvement of public amenities or public services may specify that an accredited certifier must, under section 94EC of the Act, impose a condition on a complying development certificate requiring the payment of a monetary contribution in accordance with that plan.

Conditions that apply before work begins

The person having the benefit of the complying development certificate must:

- (a) give any occupier of adjoining premises at least 2 days' notice before work begins, and
- (b) provide a temporary on-site toilet or access to an existing toilet on site, and
- (c) protect and support any neighbouring buildings that might be affected by the proposed development, and
- (d) protect any public place from obstruction or inconvenience caused by the carrying out of the proposed development, and
- (e) set up barriers sufficient to prevent any substance from the site falling onto a public place.

Hours of work

Construction or demolition work that is audible in adjoining premises must be carried out only between the following hours:

- (a) Monday–Friday—7 am and 6 pm,

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- (b) Saturday—8 am and 1 pm,
and no such work must be carried out at any time on a Sunday or a public holiday.

Demolition

- (1) The person having the benefit of the complying development certificate must ensure that demolition work does not adversely affect any neighbouring properties with dust, noise, traffic, falling objects or underpinning.
- (2) The person having the benefit of the complying development certificate must ensure that sedimentation and erosion preventative measures are undertaken in respect of demolition work in accordance with the Council's *Erosion and Sediment Control Policy* available from the Council and as in force on the commencement of this Plan.

Survey certificate

In order to ensure compliance with approved plans, a survey certificate, to Australian Height Datum, must be prepared by a registered surveyor, as follows:

- (a) on completion of floor slab framework before concrete is poured, detailing the location of the structure to the boundaries, and
- (b) at completion of the lowest floor, confirming that levels are in accordance with the certificate. (Levels must relate to the datum on the certificate.)

Required payments

If payments are required in relation to any of the following, evidence of those payments must be provided to the Council on or before the lodging of the complying development certificate with the Council:

- (a) road reserve deposits,
- (b) opening of roads,
- (c) inspections,
- (d) registration.

Notification to Council on completion

The Council must be notified that all works have been completed within a reasonable time after the completion of the works.

Schedule 4 Classification and reclassification of public land

(Clause 5.2)

Part 1 Land classified, or reclassified, as operational land—no interests changed

Column 1	Column 2
Locality	Description
Nil	

Part 2 Land classified, or reclassified, as operational land—interests changed

Column 1	Column 2	Column 3
Locality	Description	Any trusts etc not discharged
Nil		

Part 3 Land classified, or reclassified, as community land

Column 1	Column 2
Locality	Description
Nil	

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Schedule 5 Environmental heritage

Schedule 5 Environmental heritage

(Clause 5.10)

Part 1 Heritage items

Suburb	Item Name	Address	Property Description	Significance	Item No
Austinmer	House	1 Headland Avenue	Lot 2, DP 201973	Local	6147
Austinmer	House "Brentwood"	55 Lawrence Hargrave Drive	Lot 73, DP 9233	Local	6510
Austinmer	Glastonbury Gardens	72–82 Lawrence Hargrave Drive	Lot 2, DP 519285	Local	6153
Austinmer	Austinmer school residence	92–94 Lawrence Hargrave Drive	Lot 1, DP 119024	Local	6148
Austinmer	Norfolk Island pines	Lawrence Hargrave Drive, Austinmer Main Beach	Lot 3, DP 1110343	Local	6151
Austinmer	War memorial	Lawrence Hargrave Drive, Austinmer Main Beach	Lot 3, DP 1110343	Local	6511
Austinmer	Norfolk Island pines	North Austinmer Beach	Lot 99, DP 174418	Local	6152
Austinmer	Group of shops	34–40 Moore Street	Lot 18, Section C, DP 2111; Lot 2, DP 1073935 and Lot 1, DP 1073935	Local	6509
Austinmer	Uniting church	48 Moore Street	Lot 12, Section C, DP 2111	Local	6507
Austinmer	Shop and house	57 Moore Street	Lot 6, Section A, DP 2111	Local	6508
Austinmer	"Workshop"	67 Moore Street	Lot 1, DP 301323	Local	6149

Suburb	Item Name	Address	Property Description	Significance	Item No
Austinmer	Austinmer railway station	End of Moore Street	Rail reserve	State	6259
Austinmer	Site of Austinmer jetty*	North of Headland Avenue	Foreshore	Local	6485
Austinmer	“The Outlook”	14 Oceana Parade	Lot 1, DP 231287	Local	61004
Austinmer	“Cintra”	15 Wigram Road	Lot 18, DP 7559	Local	6150
Austinmer	Norfolk Island pines on Headlands Hotel site	Yuruga Street	Lots 87–95, DP 9233	Local	6504
Austinmer	Norfolk Island pines	Yuruga Street (corner Headlands Avenue)	Lot 1, DP 339004	Local	6144
Balgownie	Balgownie Community Centre	113 Balgownie Road	Lot 5, Section A, DP 938771	Local	6215
Balgownie	Street front shop	135 Balgownie Road	Lot 2, DP 37904 and Lot 3, DP 584503	Local	6213
Balgownie	Balgownie Hotel	141–43 Balgownie Road	Lot 5, DP 872833	Local	61009
Balgownie	Balgownie Public School and residence	Balgownie Road (Corner Chalmers Street)	Part Lot 1, DP 709601	Local	6214
Bellambi	Bellambi Hotel	5–7 Bellambi Lane	Lot 1, DP 657196	Local	6456
Bellambi	Station master’s residence	Brompton Road, corner Bellambi Lane	Lot 1, DP 881773	Local	6359

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Schedule 5 Environmental heritage

Suburb	Item Name	Address	Property Description	Significance	Item No
Bellambi	Bellambi Lake and Sandpit Point	Turner Esplanade	Lot 175, DP 726738; Part Lot 113, DP 751301; Lots 5 and 6, DP 240541; Lots 141 and 157, DP 247217, Lot 2, DP 615377 and Lot 7011, DP 1057474	Local	6204
Berkeley	Site of former "Berkeley House"*	23 Glastonbury Avenue and 191–195 Five Islands Road	Lot 401, DP 845805 and Lot 210, DP 811435	Local	6519
Berkeley	Lake islands	Lake Illawarra (Hooka Island and Goosebury Island)	Lot 57, DP 751299 and Lot 35, DP 751299	Local	6112
Brownsville	Former Illawarra Lake Hotel	11 Prince Edward Drive	Lot B, DP 349026	Local	6321
Brownsville	Brownsville Cemetery, large fig trees and Bunya pine*	33–37 Prince Edward Drive	Lot 18, DP 1023004 and Lot 1, DP 414418	Local	5915
Brownsville	Osborne Memorial Church of St Luke	35–37 Prince Edward Drive	Part Lot 18, DP 751263 and Lot 18, DP 1023004	Local	5915
Brownsville	Church Hall former Episcopalian Church of St Luke	35–37 Prince Edward Drive	Lot 18, DP 1023004	Local	5915
Bulli	Norfolk Island pine beach front planting and row of phoenix palms	Bulli Beach, adjacent to Trinity Row and Park Road	Road reserve and foreshore reserve	Local	6192

Suburb	Item Name	Address	Property Description	Significance	Item No
Bulli	Former railway route*	Bulli Colliery to rail bridge embankments	Lot 2, DP 1094964	Local	6527
Bulli	Norfolk Island pine beach front planting	Bulli Point, Point Street	Foreshore	Local	6191
Bulli	Site of Captain Westmacott's homestead	Bulli Point (Sandon Point) Trig Station	Lots 1–6 and 103, DP 7813	Local	6358
Bulli	General cemetery*	Carrington Street		Local	6451
Bulli	Houses	87–101 Farrell Road	Lots 9–16, DP 6454	Local	6182
Bulli	House	8 Fowler Road	Lot 2, DP 38367	Local	6180
Bulli	House	10 Fowler Road	Lot 1, DP 220111	Local	6181
Bulli	Bulli railway station	Franklin Avenue and Railway Street	Rail reserve	Local	6484
Bulli	Bulli collieries— includes shaft No 1, shaft No 2 original shaft sinking head frame, old pit top, old furnace shaft and pit town remains*	Hobart Street	Lot 1, DP 430752; Lot 50, DP 1045297; Part Lot 23, DP 751301 and Lot 3, DP 255282	Local	5924
Bulli	House	28 Park Road	Lot 1, DP 780905	Local	6175
Bulli	House	52 Park Road	Part Lot A, DP 164966	Local	6176
Bulli	House	56 Park Road	Lot 1002, DP 873075	Local	6177
Bulli	House	60 Park Road	Lot 3, DP 598485	Local	6179

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Schedule 5 Environmental heritage

Suburb	Item Name	Address	Property Description	Significance	Item No
Bulli	House	64 Park Road	Lot 1, DP 246899	Local	6178
Bulli	Memorial obelisk	66 Park Road	Lot 801, DP 774190	Local	6174
Bulli	St Augustine Anglican Church of Australia and cemetery*	66 Park Road	Lot 801, DP 774190	Local	6174
Bulli	Bulli station master's residence	Park Road	Lot 1, DP 809643	Local	6500
Bulli	Methodist manse and church	191 Princes Highway	Lot 1, DP 779555 and Lot 1, DP 780740	Local	6355
Bulli	Miners' cottage	200 Princes Highway	Lot 1, DP 194397	Local	5973
Bulli	Denmark Hotel and stables	202 Princes Highway	Lot 1, DP 986139	Local	5927
Bulli	Former Joint Stock Bank	203 Princes Highway	Lot 1, DP 799054	Local	5985
Bulli	House	226 Princes Highway	Lot 1, DP 162072	Local	6445
Bulli	House	227 Princes Highway	Lot 4, DP 997530	Local	6446
Bulli	House	230 Princes Highway	Lot 162, DP 602341	Local	6447
Bulli	Bulli post office	231 Princes Highway	Lot 1, DP 91869	Local	6173
Bulli	Bulli Family Hotel	240 Princes Highway	Lot 1, DP 66053	State	5902
Bulli	House	242 Princes Highway	Lot 2, DP 161605	Local	6185
Bulli	House	244 Princes Highway	Lot 21, DP 1016175	Local	6183
Bulli	Former guest house	300–302 Princes Highway	Lot 2, DP 1138010	Local	6187

Suburb	Item Name	Address	Property Description	Significance	Item No
Bulli	House	312 Princes Highway	Lot 5, DP 6793	Local	6448
Bulli	Former ambulance station	322 Princes Highway	Lot 1, DP 981540	Local	6449
Bulli	Former shire council chambers	328 Princes Highway	Lot A, DP 421249	Local	6184
Bulli	Former Sherbrooke Union Church	Princes Highway (in Grevillea Park)	Lot 1, DP 772593	Local	6450
Bulli	WWI memorial	Princes Highway, (Slacky Flat Park)	Lot 2, DP 772593	Local	6444
Bulli	Rail bridge	Over Princes Highway, near Hobart Street Junction	Rail reserve	Local	5988
Bulli	Former Bulli railway guesthouse	1 Railway Street	Lot A, DP 159222	Local	5987
Bulli	Old Mountain Road	North of Rixons Pass Road, Bulli Tops	Road reserve	Local	6517
Bulli	Boat sheds	Sandon Point	Lot 103, DP 7813	Local	6487
Cataract	Site of former "Biddulph Farm"*	Mt Ousley Road intersection with Rixons Pass Road	Lot 30, DP 751301	Local	61064
Clifton	Cottage	Clifton School Parade	Lot 200, DP 1070345	Local	6133
Clifton	Former school residence	Clifton School Parade	Lot 21, DP 1123807	Local	6134
Clifton	Cliff vegetation and Moranga Park	Lawrence Hargrave Drive	Lot 11, DP 1137408	Local	6347
Clifton	School of Arts	338 Lawrence Hargrave Drive	Lot 1, DP 966733	Local	6132
Clifton	Imperial Hotel	Lawrence Hargrave Drive	Lot 100, DP 118518	Local	6135

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Suburb	Item Name	Address	Property Description	Significance	Item No
Clifton	Stand of Norfolk Island pines	Lawrence Hargrave Drive	Road reserve	Local	6136
Coalcliff	Coalcliff Colliery shaft mine— including coke ovens*	Lawrence Hargrave Drive	Lot 58, DP 1097339	Local	6348
Coalcliff	Coalcliff Colliery jetty mine— including entrance portal*	East of Lawrence Hargrave Drive	Lot 7037, DP 1117499 and Crown land	Local	5922
Coalcliff	Tunnel No 8*	Railway Tunnel, Illawarra Line	Lot 32, DP 881726	Local	6258
Coledale	Railway station	Coledale	Rail reserve	Local	6350
Coledale	Norfolk Island pines	South Coledale Beach	Reserve 88873; Lot 1, DP 519277	Local	6144
Coledale	Norfolk Island pines	Beach front, Lawrence Hargrave Drive	Part Lot 11, DP 752054	Local	6143
Coniston	House	18 Bridge Street	Lot C, DP 350897	Local	6227
Coniston	Fort Drummond	Television Avenue	Lots 1 and 3, DP 208194	Local	6405
Corrimal	Ficus obliqua	Bloomfield Park	Lot 1, DP 214743	Local	6465
Corrimal	“Mountain View”	14 Jones Place	Lot 126, DP 544292	Local	6201
Corrimal	Former headmaster’s residence— Corrimal Public School	96 Princes Highway	Lot 1, DP 835462	Local	6462
Corrimal	Palm Court Hotel	264–268 Princes Highway	Lot 101, DP 1004200	Local	6462

Suburb	Item Name	Address	Property Description	Significance	Item No
Corrimal	Ziem's shops and outbuildings	330 Princes Highway	Lot 104, DP 1062386	Local	6463
Corrimal	Catholic cemetery*	Princes Highway	Lot 1, DP 1037746	Local	6360
Corrimal	Park	Railway and Duff Parade	Lot 4, DP 586795	Local	6209
Corrimal	War memorial	Railway Street	Unknown	Local	6210
Corrimal	House and garden	45 Underwood Street	Lot 6, DP 501963	Local	6208
Corrimal	Corrimal Public School	Wilga Street	Lot 2, DP 835462	Local	6205
Dapto	Memorial wall, Dapto war memorial olympic swimming pool	Bangaroo Avenue	Lot 127, DP 242665	Local	61015
Dapto	Military bunker—Mt Brown Reserve	Bright Parade	Part Lot 4, DP 223746	Local	61016
Dapto	House "Daisy Bank"	262–268 Princes Highway	Lot 1, DP 416929	Local	6436
Dombarton	Railway cutting—Unanderra/Moss Vale railway line	Dombarton	Lot 1, DP 185282	Local	6499
Fairy Meadow	Balgownie Migrant Workers Hostel	Huts 201, 204 and 210 Cowper Street	Part Lot 1, DP 719865	State	61075
Fairy Meadow	House	37 Ellengowan Crescent	Lot 2, DP 508798	Local	6218
Fairy Meadow	Seafield House and graduation works	Puckey's Estate, North Beach	MSP 14349	Local	61037
Fairy Meadow	Former North Illawarra council chambers	182 Princes Highway	Lot 1, DP 79280	Local	61031

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Suburb	Item Name	Address	Property Description	Significance	Item No
Fairy Meadow	Warrenda and curtilage	240–280 Princes Highway	Lot 101, DP 628238; Lot A, DP 157592 and Lots 6,7 and 9, DP 252601	Local	61072
Fairy Meadow	House	459 Princes Highway	Lot 202, DP 804501	Local	6212
Farmborough Heights	Moreton Bay fig	133 Farmborough Road	Lot 34, DP 19224	Local	6319
Farmborough Heights	House “Non Such” / “Farmborough”	Farmborough Road	Lot 1, DP 628538	Local	6318
Farmborough Heights	4 Cottages and gardens	End of Farmborough Road	Lot 17, DP 255285	Local	6496
Farmborough Heights	Pit pony stables*	West end of Farmborough Road	Lot 17, DP 255285	Local	6320
Figtree	Group of fig trees	Figtree Villas O’Briens Road	Lot 124, DP 864159	Local	6293
Figtree	“Greenhills” and “Hillside” and gardens	Princes Highway	Lot 100, DP 1047547	Local	6403
Helensburgh	Metropolitan Colliery*	Helensburgh	MP Lease 25	Local	5921
Helensburgh	Railway tunnel (disused)*	Off Cawley Road	Lot 1, DP 248826	Local	6345
Helensburgh	Cemetery*	Cemetery Road	Lot 7068, DP 93064	Local	6123
Helensburgh	School residence	End of Fletcher Street	Lot 136, DP 752033	Local	6111
Helensburgh	Cottage	12 Foster Street	Lot 294, DP 752033	Local	6108
Helensburgh	Cottage	5 Hay Street	Lot 50, DP 1002294	Local	6118
Helensburgh	Cottage	15 Hay Street	Lot 1, DP 578720	Local	6121

Suburb	Item Name	Address	Property Description	Significance	Item No
Helensburgh	“Wildys”	16 Hay Street	Part Lot 4, Section 9, DP 758513	Local	6120
Helensburgh	Residence, former post office	1 High Street	Lot 797, DP 752033	Local	6109
Helensburgh	Company houses	4–10 Junction Street	Lots 688 and 790–792, DP 752033	Local	6114
Helensburgh	Railway tunnels*	Lilyvale siding	Lot 1, DP 815356	Local	6482
Helensburgh	Helensburgh Primary School	Lukin Street	Lot 136, DP 752033	Local	6111
Helensburgh	Postman’s track	Between Lukin Street and Railway	Road reserve	Local	6105
Helensburgh	Garrawarra Hospital including: gates and gatehouse, administration building, kitchen blocks, kitchen and store block, staff cafeteria, nurses hostel and residential houses	Old Princes Highway	Lot 2, DP 840501 and Lot 4, DP 851304	Local	6486
Helensburgh	Garrawarra Hospital cemetery*	Old Princes Highway	Lot 4, DP 840501	Local	61028
Helensburgh	Residence, former police station	72–74 Parkes Street	Lot 81, DP 806991	Local	6110
Helensburgh	Hanley’s Hotel	112 Parkes Street (Corner Walker Street)	Lot 1, DP 309398	Local	6115
Helensburgh	Post office	114 Parkes Street (Corner Walker Street)	Lot 2, DP 860357	Local	6116

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Suburb	Item Name	Address	Property Description	Significance	Item No
Helensburgh	Helensburgh Park and pines	Parkes Street	Crown Land	Local	6124
Helensburgh	Charles Harper monument and park	Parkes Street	Crown Land	Local	6124
Helensburgh	House and associated land*	43–49 Princes Highway	Lot 713, DP 752033	Local	6505
Helensburgh	Site of former cottage*	12 Robertson Street	Lot 835, DP 752033	Local	6101
Helensburgh	Cottage	20 Robertson Street	Lot 70, DP 749113	Local	6103
Helensburgh	Masonic temple	Robertson Street	Lots 823 and 824, DP 752033	Local	6104
Helensburgh	Sri Venkatewara temple	Temple Road	Lot 15, DP 255197	Local	6122
Helensburgh	Railway station	Tunnel Road	Rail reserve	State	6343
Helensburgh	Railway tunnel (disused), railway platform, railway tunnels*	Corner Tunnel Road and Old Station Road	Rail reserve	Local	6482
Helensburgh	Railway cottage	Corner Tunnel Road and Vera Street	Lot 1, DP 816623	Local	6107
Helensburgh	Railway station platform*	End of Tunnel Road	Lot 1, DP 248826	Local	6482
Helensburgh	House	35 Vera Street	Lot 6, DP 627608	Local	6106
Helensburgh	Railway tunnel (disused)*	End of Vera Street	Lot 1, DP 248826	Local	6482
Helensburgh	Police station and lock-up	2 Waratah Street (Corner Parkes Street)	Lot 995, DP 752033	Local	6117
Huntley	Huntley Colliery*	Off Avondale Colliery Road	Lots 26 and 27, DP 3083	Local	7102

Suburb	Item Name	Address	Property Description	Significance	Item No
Huntley	Bong Bong Pass*	End of Bong Bong Road	Road reserve	Local	61017
Kanahooka	Smelter rail route*	Former alignment behind properties fronting Thirroul Road, Edgeworth Street and William Beach Road extending between Kanahooka Road, Field Street and Webb Park	Lots 1 and 3, DP 546902	Local	61044
Kanahooka	Former Dapto smelter*	Kanahooka Road	Lot 415, DP 1060164	Local	5953
Kanahooka	House "Rondanella"	23 Rondanella Drive	Lot 202, DP 1034062	Local	6430
Keiraville	Significant trees in reserve	Public reserve between Gipps Road and Shoobert Crescent	Lot 165, DP 203864	Local	6513
Keiraville	"Gleniffer Brae" and surrounding garden	Wollongong Botanic Garden, off Murphys Avenue	Lot 3, DP 252694	State	5940
Kembla Grange	Hoop pines	Paynes Road	Part Lot 223, DP 751278	Local	6328
Kembla Grange	Newton Park and gardens	Princes Highway, (next to Kembla Grange racecourse)	Lot 12, DP 829115	Local	5949
Kembla Grange	Slab hut	303 Reddalls Road and adjoining road reserve	Lot 103, DP 840320	Local	6433
Kembla Heights	Site of Pioneer Kerosene Works*	Between American Creek and Cordeaux Road	Part Lot 4, DP 751278	Local	6411

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Suburb	Item Name	Address	Property Description	Significance	Item No
Kembla Heights	Cemetery*	Cordeaux Road, Windy Gully	Lot 172, DP 751278	Local	5941
Kembla Heights	Row of miners' cottages and club room	Cordeaux Road, Windy Gully	Lot 1, DP 551243	Local	5942
Kembla Heights	Former post office	Harry Graham Drive	Part Lot 160, DP 751278	Local	5946
Kembla Heights	House	Harry Graham Drive	Lot 1, DP 986723	Local	6410
Kembla Heights	Mt Kembla Colliery— including site of mine workings, portal, mine air shaft and pit pony stables*	Harry Graham Drive	Lot 2, DP 606150	Local	7105
Kembla Heights	Nebo Colliery*	Harry Graham Drive	Lot 1, DP 1103781 and Lot 3, DP 1103666	Local	7104
Kembla Heights	Mine manager's residence	East of Harry Graham Drive	Part Lot 74, DP 751278	Local	5947
Koonawarra	Mt Brown reserve	Koonawarra/ Dapto	Lot 4, DP 223746; Lot 12, DP 233464; Lot 109, DP 1050302 and Lot 22, DP 774118	Local	6339
Lake Heights	Fig tree	8–10 Grandview Parade	Lots 261 and 262, DP 15174	Local	61013
Lilyvale	Shacks and cabins	Burning Palms, Royal National Park	Lot 1, DP 56049	Local	6483
Lilyvale	Shacks and cabins	Era Beach, Royal National Park	Lot 2, DP 63741	Local	6483

Suburb	Item Name	Address	Property Description	Significance	Item No
Lilyvale	Shacks and cabins	Little Garie Beach, Royal National Park	Lot 1, DP 752018, Mineral Leases 2 and 3, DP 752018	Local	6483
Mangerton	“Audleigh”	9 Brownlee Street	Lot 20, DP 9196	Local	6362
Mangerton	Mangerton Park	19 Eastern Avenue to end of Eirene Street	Lot 2, DP 512389; Lot 226, DP 24688 and Lot 42, DP 27316	Local	6280
Mangerton	Stand of spotted gum	Behind public reserve off Milne Crescent	Lot 4, DP 838267	Local	6404
Mangerton	Stand of spotted gum	Mt Drummond, WIN TV and RAAF Site	Lots 1 and 3, DP 208194	Local	6405
Mangerton	Streetscape of mature blackbutts and turpentine	Area around Reservoir Street, Norman Street, Meares Avenue and Eirene Street	Road reserve and Lot 14, DP 213805; Lot 1, DP 310077; and Lot 2, DP 617042	Local	6469
Mangerton	House	1 Taronga Avenue	Lot 59, DP 21053	Local	6279
Mangerton	Hoop pines	Woodlawn Avenue (near corner Payne Street)	Road reserve	Local	6461
Marshall Mount	“Marshall Mount” homestead and barn	Marshall Mount Road	Part Lot 2, DP 2534	Local	5914
Mt Kembla	Mt Kembla (Julian’s) Hall	4 Benjamin Road	Lot 2, DP 158694	Local	61011

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Suburb	Item Name	Address	Property Description	Significance	Item No
Mt Kembla	Anglican Church of Australia and cemetery*	301 Cordeaux Road	Lot 1, DP 600602	Local	5904
Mt Kembla	Stinson's cottage	310 Cordeaux Road	Lot 1, DP 855388	Local	6295
Mt Kembla	Post office/store	314 Cordeaux Road	Lot 20, DP 855333	Local	5945
Mt Kembla	House	315 Cordeaux Road	Lot 1, DP 798046	Local	6297
Mt Kembla	House	321 Cordeaux Road	Lot 10, DP 1089218	Local	6298
Mt Kembla	Mt Kembla school and headmaster's residence	323-327 Cordeaux Road	Lot 4, DP 126784	Local	5943
Mt Kembla	Slow's cottage	336 Cordeaux Road	Lot 1, DP 196473	Local	6299
Mt Kembla	Former St Clement's Roman Catholic Church	356 Cordeaux Road	Lot 1, DP 230082	Local	5944
Mt Kembla	Mt Kembla Hotel	Cordeaux Road	Lot 100, DP 717507	Local	5948
Mt Kembla	Cottage	2 Kirkwood Place	Lot 2, DP 606407	Local	6301
Mt Keira	Mt Keira Demonstration School	255 Mt Keira Road	Lots 1 and 2, DP 308171	Local	5903
Mt Keira	Kemira Colliery*	Mt Keira Road	Part Lot 31 and Part Lot 32, DP 751299 and Lot 1, DP 852788	Local	7101
Mt Keira	Mt Keira scout camp	Mt Keira Road	Lot 1, DP 255281	Local	6471
Mt Ousley	House	31 Burling Avenue	Lot 22, DP 20427	Local	6217

Suburb	Item Name	Address	Property Description	Significance	Item No
Mt Ousley	House	3 Sansey Avenue	Lot 9, DP 39416	Local	6219
Mt Ousley	House	18 Strone Avenue	Lot 42, DP 20427	Local	6216
Mt Pleasant	Mt Pleasant Colliery*	Parrish Avenue	Lot 2, DP 852788 and Lot 2, DP 870325	Local	7103
North Wollongong	Magnolia	42 Bourke Street (Corner of Virginia Street)	Lot 1, DP 526597	Local	6384
North Wollongong	North Beach kiosk and residence	Cliff Road— North Beach	Lot 70, DP 751299	State	61036
North Wollongong	North Beach pavilion	Cliff Road— North Beach	Lot 70, DP 751299	State	61033
North Wollongong	North Wollongong Hotel (formerly Bode's Hotel)	3 Flinders Street	Lot 1, DP 654485	Local	6273
North Wollongong	Group of trees	3 Flinders Street (rear of North Wollongong Hotel)	Lot 1, DP 654485	Local	6273
North Wollongong	House	31 Foley Street, North Wollongong	Lot 12, DP 614895	Local	6245
North Wollongong	North Beach Surf Club	Stuart Park, George Hanley Drive	Lot 2, DP 228880	Local	61035
North Wollongong	Group of Norfolk Island pines and Canary Island palms	Stuart Park	Lot 2, DP 228880	Local	6283
North Wollongong	Row of Canary Island date palms	View Street	Road reserve	Local	6515

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Suburb	Item Name	Address	Property Description	Significance	Item No
Otford	Shacks and cabins	Bulgo Beach, Royal National Park	Lot 2, DP 63741	Local	6483
Otford	Semi-detached houses	4-7 Lady Carrington Road	Lots 4-7, DP 817562	Local	6125
Otford	Former station masters house	40 Lady Carrington Road	Lot 2, DP 817561	Local	61029
Otford	Former railway cottage	42 Lady Carrington Road	Lot 1, DP 817561	Local	61001
Otford	Residence, former post office	120 Otford Road	Lot 1, DP 748355	Local	6127
Otford	Former headmaster's residence	35 Station Road	Lot 1, DP 1119060	Local	6126
Otford	Otford tunnel*	Between Stanwell Park/Otford on disused railway line	Lot 1, DP 668532	State	6131
Port Kembla	Historical military museum including break water battery and concrete tank barriers*	Between Eastern Breakwater and North Beach	Lot 108, DP 1013971	Local	6302
Port Kembla	Battery observation post	15 Gallipoli Street	Lot 2, DP 1008216	Local	6594
Port Kembla	Remains of original ocean baths*	Gloucester Boulevard	Lot 7008, DP 1059827	Local	6477

Suburb	Item Name	Address	Property Description	Significance	Item No
Port Kembla	Hill 60*	Hill 60, Fisherman's Beach, Boilers Point and MM Beach	Lot 3, DP 86079; Lots 1 and 3, DP 531524; Lots 1 and 2, DP 614555; Reserve 71700 and 73221; Lot 1, DP 614555; Lot 1, DP 152538 and Lots 7008-7010 and 7048-7050, DP 1052504	State	61043
Port Kembla	Gun emplacement, tunnels and isolated concrete bunkers*	Illowra Battery, Hill 60, Boilers Point	Lot 1, DP 531524; Lot 1, DP 614555 and Lot 2, DP 614555	State	6417
Port Kembla	Saint Kliment Ohridski, Macedonian Orthodox Church	58-60 Keira Street	Lots 8 and 9, Section 3, DP 8703	Local	61012
Port Kembla	Bomb shelter*	59 Military Road	Lot 1, DP 1037234	Local	6478
Port Kembla	Former fire station	99 Military Road	Lots 13 and 14, Section 3, DP 5868	Local	6307
Port Kembla	St Stephen's Anglican Church of Australia, including rectory and hall	111 Military Road	Lots 35 and 36, DP 7804	Local	6305
Port Kembla	House and shop	Military Road	Lot 28, Section 4, DP 7804	Local	6311

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Suburb	Item Name	Address	Property Description	Significance	Item No
Port Kembla	Port Kembla primary school	Military Road	Lot 1, DP 811699	Local	6304
Port Kembla	Red Point/Hill 60 landscape*	Off Military Road	Lot 3, DP 86079; Lot 1, DP 531524; Lot 1, DP 614555 and Reserve 73221; Lot 2, DP 614555 and Lot 3, DP 531524	State	6417
Port Kembla	Olympic pool	Olympic Boulevard	Lot 2, DP 345786	Local	6431
Port Kembla	Coomaditchy Lagoon and surrounds*	Parkes Street	Lot 1, DP 182391	Local	6424
Port Kembla	Mural	10–14 Wentworth Street	Lot N, DP 409769	Local	5971
Port Kembla	Steel Works Hotel	21–25 Wentworth Street	Lot 101, DP 814680	Local	6420
Port Kembla	Commonwealth Bank	31–40 Wentworth Street	Lot 3, Section 6, DP 5868	Local	6308
Port Kembla	“Guinery”, Port Kembla Hotel	54–58 Wentworth Street	Lot 32, Section 2, DP 5868	Local	6421
Port Kembla	Mural	189–191 Wentworth Street	Lot 13, Section 4, DP 5868	Local	6309
Primbee	Vegetated hill and swamp*	Government Road (North of Korrungulla Swamp)	Lot 1, DP 773067	Local	6313
Primbee	Fig tree	Reserve corner James Avenue and Korungulla Avenue, Primbee (Ray Crump Oval)	Lots 159 and 160, DP 9753	Local	61014

Suburb	Item Name	Address	Property Description	Significance	Item No
Primbee	“Esperanza”	27 Jones Avenue	Lot 3, DP 516595	Local	6423
Russell Vale	South Bulli Colliery*	Broker Street	Lot 31, DP 1006012	Local	5928
Russell Vale	Avenue of planting	Keerong Street	Road reserve	Local	6203
Russell Vale	Moreton Bay fig	Russell Vale Golf Course	Lot 855, DP 1105102	Local	6211
Russell Vale	Hill figs	Terania Street	Road reserve	Local	6202
Scarborough	Primary school	371–381 Lawrence Hargrave Drive	Lot 29, Section 2, DP 2281	Local	6137
Scarborough	Scarborough Hotel	383 Lawrence Hargrave Drive	Lot 1, DP 982323 and Lot 1, Section 4, DP 1659	Local	6138
Scarborough	Police station	393–395 Lawrence Hargrave Drive	Lot 6, Section A, DP 2693	Local	6139
Scarborough	Former mine manager’s residence	430 Lawrence Hargrave Drive	Lot 51, DP 1104365	Local	6140
Scarborough	Miners’ cottages	438, 440, 442–445, 449, 453 and 453A Lawrence Hargrave Drive	Lot 23, DP 740434; Lot 24, DP 740434; Lot 25, DP 740434; Lot 26, DP 740434; Lot 7, Section B, DP 2693; Lot B, DP 431274; Lot C, DP 431274; Lot 90, DP 835584 and Lot 91, DP 835584	Local	6351

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Suburb	Item Name	Address	Property Description	Significance	Item No
Scarborough	Former Anglican church	464 Lawrence Hargrave Drive	Lot 16, Section C, DP 2693	Local	6506
Scarborough	Railway station	Scarborough	Rail reserve	State	6349
Stanwell Park	Tunnel and old railway alignment*	Chellow Dene Drive	Lot 1, DP 668532	Local	6131
Stanwell Park	“Interbane”	26 Lawrence Hargrave Drive	Lot 100, DP 1012889	Local	6346
Stanwell Park	Wet sclerophyll forest	Old Coast Road, Park Parade, The Drive and Chellow Dene Avenue	Road reserve	Local	6503
Stanwell Park	Lawrence Hargrave Memorial Park	Oxford Drive	Lot 237, DP 5858	Local	5918
Stanwell Park	“Hillcrest”	Railway Crescent	Part Lot 58, DP 752054	Local	5901
Stanwell Park	St George’s Anglican Church	54 Stanwell Avenue	Lot 68, DP 5275	Local	61003
Stanwell Park	Railway viaduct*	Stanwell Creek Gorge	Rail reserve	State	5920
Stanwell Park	“Seabreeze”	45 The Drive	Lot 200, DP 601637	Local	6129
Stanwell Park	House	57 The Drive	Lot 137, DP 5275	Local	6128
Stanwell Tops	Former garden of peace	Corner Longview Crescent and Stonehaven Road	Lot 1, DP 213038	Local	61002
Tarrawanna	Farrell Park	Douglas Road, Wallace Road and Ross Street	Lot 38, DP 35954	Local	6221
Tarrawanna	House “The Ridge”	7–9 Hawthorn Street	Lot 34, DP 831285	Local	5986
Tarrawanna	Corrimal Colliery*	Hawthorn Street	Lot 2, DP 793302	Local	6480

Suburb	Item Name	Address	Property Description	Significance	Item No
Thirroul	Thirroul Baths precinct	Bath Street	Part Lot 405, DP 881119	Local	61030
Thirroul	House	10 Cliff Parade, Corner Spray Street	Lot 13, DP 5736	Local	6154
Thirroul	“Wyewurk”	3 Craig Street	Lot 2, Section 2, DP 5828	Local	5925
Thirroul	Massandra	16–24 Fords Road	Lots 1 and 2, DP 618432	Local	6353
Thirroul	Fig tree (Ficus obliqua)	54–58 Fords Road, on the boundary of No 50	Lot 27, DP 1062555	Local	6492
Thirroul	Fig tree	Hewitts Avenue	Part Lot 20 and Part Lot 21, DP 13365	Local	61005
Thirroul	House	1 Lachlan Street	Lot 7, DP 5961	Local	6164
Thirroul	Former Uniting church	2 Lachlan Street	Lot 5, DP 1103555	Local	6165
Thirroul	House	6 Lachlan Street	Lot B, DP 372549	Local	6168
Thirroul	House	10 Lachlan Street	Lot 63, DP 7588	Local	6169
Thirroul	House	227 Lawrence Hargrave Drive	Lot 3, Section I, DP 4882	Local	6163
Thirroul	House	229 Lawrence Hargrave Drive	Lot 2, Section I, DP 4882	Local	6166
Thirroul	Former Methodist church	256 Lawrence Hargrave Drive	Lot 12, Section A, DP 4882	Local	6161
Thirroul	Former Kings Theatre	264–270 Lawrence Hargrave Drive	Lot 100, DP 1104635	Local	6155

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Suburb	Item Name	Address	Property Description	Significance	Item No
Thirroul	War memorial WWI (adjacent to former RSL club)	345 Lawrence Hargrave Drive	Part Lot 4, DP 661367	Local	6162
Thirroul	Small leafed fig	Lawrence Hargrave Drive	Lot 3, DP 984203	Local	6172
Thirroul	Old Railway Barracks	Corner Lawrence Hargrave Drive and Church Street	Rail reserve	Local	6498
Thirroul	House (former guest house)	6 Mary Street	Lot 19, Section I, DP 4882	Local	6434
Thirroul	House "Oceana"	36 Pass Avenue	Lot 67, DP 10972	Local	6159
Thirroul	House	42 Pass Avenue	Lot 70, DP 10972	Local	6158
Thirroul	House	73 Princes Highway	Lot 1, DP 203068	Local	6497
Thirroul	Thirroul railway station	Railway Parade	Rail reserve	State	6352
Thirroul	Houses	2, 4 and 6 Raymond Road	Lot 301, DP 1041575	Local	6167
Thirroul	House and garden	58 Redman Avenue	Lot 21, DP 666897	Local	6439
Thirroul	Thirroul Public School	5 Roxburgh Avenue	Lot 100, DP 634133	Local	6160
Thirroul	House	11 Station Street	Lot 6, DP 5544	Local	6156
Thirroul	"Woodville"	22 Station Street	Lot 100, DP 812519	Local	6157
Thirroul	Group of fig and turpentine	12-14 Tasman Parade	Lot 3, DP 544605 and Lot 102, DP 547460	Local	6170
Thirroul	Thirroul Beach Reserve	The Esplanade	Part Lot 405, DP 881119	Local	6171
Unanderra	House "Nudjia"	83 Cummins Street	Lot 23, DP 245683	Local	6426

Suburb	Item Name	Address	Property Description	Significance	Item No
Unanderra	Berkeley Pioneer Cemetery*	Investigator Drive	Lot 1, DP 195869	Local	6429
Unanderra	Former Unanderra council chambers	Corner Princes Highway and Factory Street	Lot 1, DP 860110	Local	6317
Unanderra	Old Unanderra Public School, formerly Charcoal Public School	Corner Princes Highway and Victoria Street	Part Lot 2, DP 795162	Local	6427
Unanderra	Unanderra station master's residence	Unanderra Railway Line	Rail reserve	Local	6428
West Wollongong	Former Roger Therry residence	30 Bukari Street	Lot 1, DP 206947	Local	5912
West Wollongong	House	24–26 Mt Keira Road	Lot 5, DP 223847	Local	6472
West Wollongong	Moreton Bay fig	59 Princes Highway	Lot 1, DP 839750	Local	6292
West Wollongong	Former Mt Keira Inn*	59 Princes Highway	Lot 1, DP 839750	Local	6408
Windang	Norfolk Island pines	Shellharbour Road	Road reserve	Local	6312
Wollongong	House	48 Atchison Street	Lot 10, DP 854381	Local	6222
Wollongong	House	50 Atchison Street	Lot 11, Section 1, DP 7285	Local	6223
Wollongong	“Carthona”	52 Atchison Street	Lot 12, Section 1, DP 7285	Local	6224
Wollongong	House	54 Atchison Street	Lot 131, DP 1027195	Local	6225
Wollongong	“Regentville”	56 Atchison Street	Lot 14, Section 1, DP 7285	Local	6361

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Suburb	Item Name	Address	Property Description	Significance	Item No
Wollongong	Former cemetery*	Bank Street— Pioneer Rest Park	Unknown	Local	61038
Wollongong	Crane pedestal	Belmore Basin— Wollongong Harbour	Wollongong Harbour	Local	6399
Wollongong	California flats	7–9 Burelli Street	Lot 1, DP 202511	Local	6226
Wollongong	St Andrew's Presbyterian Church and hall	50 Burelli Street (Corner of Kembla Street)	Lot 1, DP 153372	Local	6228
Wollongong	Wollongong Town Hall and former council chambers (now art gallery)	Burelli Street (Corner of Kembla Street)	Lots 1–7, DP 124277; Lot 1, DP 1103977; Lot 1, DP 1108973; Lots 1–6, DP 1131686 and Lot 1, DP 949697	Local	6381
Wollongong	Row of Hills Figs	Burelli Street	Road reserve between Kembla Street and Church Street	Local	6284
Wollongong	“The Lodge”	22 Campbell Street	Lot 15, DP 741727	Local	6229
Wollongong	“Devlin Cottage”	29 Campbell Street	Lot 9, DP 32545	Local	61073
Wollongong	Terrace houses	46–56 Campbell Street	Lots 1–6, DP 928978	Local	6365
Wollongong	Semi-detached house	67–69 Campbell Street	Lot 1, DP 595374	Local	6366
Wollongong	House	75 Campbell Street	Lot 2, DP 884323	Local	6230
Wollongong	Wollongong Primary School	67A Church Street	Lots 1–7, DP 781988; Lot 1, DP 61915 and Lots 1 and 2, DP 307856	Local	5935

Suburb	Item Name	Address	Property Description	Significance	Item No
Wollongong	Former Allowrie Terrace	69–71 Church Street	Lot 1, DP 126603 and Lot A, DP 163539	Local	6389
Wollongong	St Michael's Anglican Church of Australia including church hall and rectory	74 Church Street	Lot 102, DP 1101956	State	5905
Wollongong	St Michael's Anglican Church of Australia trees in ground (excluding those west of old rectory)	74 Church Street	Lot 102, DP 1101956	Local	5905
Wollongong	Canary Island date palms	Church Street—MacCabe Park	Part Lot 12, DP 524803 and Lot 1, DP 227811	Local	6587
Wollongong	Memorial arch	Church Street—MacCabe Park	Part Lot 12, DP 524803	Local	6324
Wollongong	Monument	Church Street—MacCabe Park	Part Lot 12, DP 524803	Local	6324
Wollongong	Smiths Hill Fort	Cliff Road	Lot 69, DP 751299	Local	5934
Wollongong	Remains of Mt Keira Osborne Wallsend tramway bridge	Cliff Road—Osborne Park	Lot 1, DP 62257	Local	6367
Wollongong	Railway cuttings and embankments	Cliff Road—Wollongong Foreshore from North Beach to Belmore Basin	Lot 70, DP 751299	Local	6306
Wollongong	House	117 Corrimal Street	Lot 101, DP 827740	Local	6234

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Suburb	Item Name	Address	Property Description	Significance	Item No
Wollongong	Gravestones	9–11 Crown Street—Andrew Lysaght Park	Lots 1–5 and 7, DP 1091530	Local	6383
Wollongong	Monument	9–11 Crown Street—Andrew Lysaght Park	Lots 1–5 and 7, DP 1091530	Local	6383
Wollongong	Former Roman Catholic cemetery*	9–11 Crown Street—Andrew Lysaght Park	Lots 1–5 and 7, DP 1091530	Local	6383
Wollongong	Flats	10 Crown Street	Lot 90, DP 1024782	Local	6369
Wollongong	St Francis Xavier's Cathedral	24 Crown Street (fronting Harbour Street)	Lot 1, DP 86710	Local	5932
Wollongong	Comelli Bros Building	48–50 Crown Street	Lot 104, DP 841664	Local	6473
Wollongong	“Lisborne House”	68–70 Crown Street	Lot 1, DP 782764	Local	6236
Wollongong	Shops	72–76 Crown Street	Lot 1, DP 127333	Local	6237
Wollongong	Shop	87 Crown Street	Lot 12, Section 10, DP 759104	State	6238
Wollongong	Wollongong East post office	91 Crown Street	Lot 25, Section 10, DP 759104	State	6370
Wollongong	Norfolk Island pine	93 Crown Street (adjacent to Tourist Information Bureau)	Lot 7, DP 124277	Local	6285
Wollongong	Wesley Uniting Church	116 Crown Street	Lot 201, DP 731858	Local	6371
Wollongong	Royal Bank	133 Crown Street	Lot 2, DP 603751	Local	6239
Wollongong	Shop	151–161 Crown Street (part)	Lot 1, DP 53763	Local	6232

Suburb	Item Name	Address	Property Description	Significance	Item No
Wollongong	Row of shops	230–264 Crown Street	Lots 1 and 2, DP 555270; Lots 2–5, DP 27990; Lots 10 and 11, DP 535757 and Lot A, DP 33437	Local	6240
Wollongong	Former Marcus Clark Building	281–291 Crown Street	Lot 1, DP 927806; Lot 1, DP 1087986; Lot 1, DP 82673 and Lot 1, DP 117019	Local	6474
Wollongong	City Pacific International (former Crown Hotel)	309 Crown Street	Lot 1, DP 807229	Local	6241
Wollongong	Hotel	329 Crown Street	Lot 1, DP 807229	Local	6242
Wollongong	Group of fig trees	348–352 Crown Street (grounds of Wollongong Hospital)	Lot 95, Section 3, DP 1258	Local	5939
Wollongong	Nurses' home	348–352 Crown Street (Wollongong Hospital Site)	Lot 95, Section 3, DP 1258	State	5939
Wollongong	House	366 Crown Street, Wollongong West	Lot B, DP 343680	Local	6243
Wollongong	Moreton Bay fig	373 Crown Street (adjacent to Masonic Club)	Lot 1, DP 201949	Local	6290
Wollongong	Moreton Bay fig	Beatson Park, Crown Street	Lot 12, DP 5507	Local	6286
Wollongong	House	12 Edward Street	Lot 7, DP 15904	Local	6372

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Suburb	Item Name	Address	Property Description	Significance	Item No
Wollongong	House	27 Edward Street	Lot C, DP 151122	Local	6244
Wollongong	Site of cokeworks, including remains of coke oven*	Endeavour Drive—Belmore Basin	Part Lot 1, DP 633814	Local	6406
Wollongong	Stone steps	Endeavour Drive—Belmore Basin—connecting Endeavour Drive to Wharf Area	Lot 1, DP 739591 and Part Lot 1, DP 633814	Local	6364
Wollongong	Harbour steps	Endeavour Drive—Belmore Basin—north-eastern side	Lot 1, DP 739591 and Part Lot 1, DP 633814	Local	6418
Wollongong	Breakwater Light House	Endeavour Drive—End of Breakwater, Wollongong Harbour	Part Lot 1, DP 633814	Local	5906
Wollongong	Fort	Endeavour Drive—Flagstaff Hill	Lot 2, DP 222318	Local	5933
Wollongong	Lighthouse	Endeavour Drive—Flagstaff Hill	Lot 1, DP 222318	Local	6375
Wollongong	Three guns	Endeavour Drive—Flagstaff Hill	Lot 7024, DP 1072640; Lots 7039–7042, DP 1066112 and Lot 7046, DP 1066112, MSP 2623	Local	6376

Suburb	Item Name	Address	Property Description	Significance	Item No
Wollongong	Seawall*	Endeavour Drive, Flagstaff Point	Lot 7024, DP 1072640; Lots 7039–7042, DP 1066112 and Lot 7046, DP 1066113 MSP 2623	Local	6344
Wollongong	Ladies' baths	Endeavour Drive, south of Flagstaff Point	Lot 7024, DP 1072640; Lots 7039–7042, DP 1066112 and Lot 7046, DP 1066113, MSP 2623	Local	6373
Wollongong	Nuns' baths	Endeavour Drive, south of Pulpit Rock	Lot 7023, DP 1072640, MSP 2623	Local	6289
Wollongong	House (former coach house)	10A Flinders Street	Lot 101, DP 579564	Local	6274
Wollongong	Methodist cemetery	Fox Avenue	Lots 55 and 56, DP 751299	Local	6591
Wollongong	Row of Canary Island date palms	Gipps Street (between Corrimal Street and Church Street)	Road reserve	Local	6512
Wollongong	Row of bungalows	69–93 Gladstone Avenue	Lots 1–5, DP 16114; Lot 16, DP 1102983 and Lots 17–23, DP 15363	Local	6377
Wollongong	Old court house	1 Harbour Street (Corner of Cliff Road)	Lot 1, DP 47921	Local	5908
Wollongong	Site of earliest court house and lock up*	3–9 Harbour Street	Lots 1–4, DP 11509	Local	6407

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Suburb	Item Name	Address	Property Description	Significance	Item No
Wollongong	House	30 Harbour Street	Lot 1, DP 152385	Local	6272
Wollongong	House	32 Harbour Street	Lot 2, Section 1, DP 152385	Local	6593
Wollongong	St Mary's Convent and secondary girls' school and chapel	Harbour Street	Lot 100, DP 861791	Local	6248
Wollongong	House	15 Jutland Avenue	Lot 81, DP 15363	Local	6379
Wollongong	"Esslemont"	23 Keira Street	Lot 10, DP 80424	Local	6250
Wollongong	House	60 Keira Street	Lot 1, DP 170298	Local	6251
Wollongong	House	62 Keira Street	Lot 1, DP 961439	Local	6252
Wollongong	Shops	122–130 Keira Street	Lot 22, DP 571656 and Lot 89, DP 613770	Local	6254
Wollongong	House	125 Keira Street	Lot B, DP 65920	Local	6253
Wollongong	Shops	131–147 Keira Street	Lots 1 and 2, DP 152849 and Lot 22, DP 538099	Local	6255
Wollongong	Shop	149–153 Keira Street	Lot 704, DP 854202	Local	6266
Wollongong	Illawarra Hotel	160–164 Keira Street	Lot 1, DP 83618	Local	6380
Wollongong	National Mutual Life Assurance Building	163–169 Keira Street	Lot 101, DP 621251	Local	5936
Wollongong	Regent Theatre	197 Keira Street	Lot 1, DP 330961 and Lot 18, DP 6323	State	5937

Suburb	Item Name	Address	Property Description	Significance	Item No
Wollongong	House	13 Kembla Street	Lot 1, DP 153685	Local	6585
Wollongong	House	60 Kembla Street	Lot A, DP 387316	Local	6387
Wollongong	Small leafed figs	94 Kembla Street and 105–107 Church Street	Lot 1, DP 152892; Lot 1, DP 5095	Local	6288
Wollongong	Wollongong railway station group	Lowden Square	Lot 1, DP 1001500	State	6382
Wollongong	Avenue of Norfolk Island pines	Marine Drive	Road reserve	Local	6590
Wollongong	Three picnic shelters in WA Lang Park	Marine Drive	Lot 7047, DP 1073466 and MSP 2948	Local	6269
Wollongong	Bandstand and marble plaque commemorating Bass and Flinders' landing	Market Place— Market Square Park	MSP 405	Local	6271
Wollongong	Illawarra Historical Society museum (former Wollongong post office)	11 Market Street	Lot 10, DP 1107297	Local	5910
Wollongong	WWII Air raid shelter	11 Market Street	Lot 10, DP 1107297	Local	5910
Wollongong	Congregational Church	33 Market Street	Part Lot 4, Section 2, DP 975294	Local	6390
Wollongong	Court houses, c1890 and c1975	43 Market Street	Lot 4, Section 3, DP 975294	Local	5911

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Schedule 5 Environmental heritage

Suburb	Item Name	Address	Property Description	Significance	Item No
Wollongong	Sandstone kerbing	Market Street (between Corrimal Street and Market Place)	Road reserve	Local	61039
Wollongong	Market Square	Bounded by Market Street, Market Place and Harbour Street	MSP 405	Local	6386
Wollongong	House	34 Porter Street	Lot 6, Section 1, DP 11656	Local	6470
Wollongong	Row of Canary Island date palms	Rawlinson Avenue	Road reserve	Local	6287
Wollongong	Row of workers' cottages	3–9 Robinson Street	Lots 3–6, DP 26476	Local	6391
Wollongong	Row of Canary Island date palms	4–40 Robinson Street (Garden Hill)	Road reserve	Local	6276
Wollongong	Row of California bungalows	10–16 Robinson Street	Lot 36, Section 2, DP 1258; Lot 370, DP 1124821; Lots 38 and 39, Section 2, DP 1258	Local	6514
Wollongong	Monument	1 Smith Street (Corner of Harbour Street)	Lot 1, DP 8441	Local	6378
Wollongong	House	26 Smith Street	Lots 1 and 2, DP 781162	Local	6278
Wollongong	“Little Milton”	31–33 Smith Street	Lot 101, DP 591663	State	5907
Wollongong	Headmaster's residence	53 Smith Street	Lots 1–4, DP 781988 and Lot 1, DP 61915	Local	5935

Suburb	Item Name	Address	Property Description	Significance	Item No
Wollongong	“Wye Lodge” and Magnolia	63 Smith Street	Lot 1, DP 838292	Local	5909
Wollongong	School of Arts building	64 Smith Street	Lot 13, Section 17, DP 975398	Local	6392
Wollongong	House	65 Smith Street	Lot 1, DP 198642	Local	6393
Wollongong	House	67 Smith Street	Lot A, DP 345880	Local	6394
Wollongong	House	86 Smith Street	Lot 14, DP 613775	Local	6395
Wollongong	Masonic hall	88 Smith Street	Lot 13, DP 613775	Local	6396
Wollongong	“Ken Elm”	90 Smith Street	Lot 1, DP 716876	Local	6397
Wollongong	Wollongong cemetery, including Nicholle vault	Swan Street	Lots 1–5 and 7–20, Section 38, DP 759104; Crown Land, Folio 12, Volume 460 Closed road, and unlisted parcels within Wollongong Cemetery	Local	6282
Wombarra	Wombarra general cemetery*	Lawrence Hargrave Drive	Lot 7028, DP 1058309	Local	6142
Wombarra	Sawmill*	14–18 Morrison Avenue	Lot D, DP 373278	Local	6256
Wombarra	“Aliumar”	129 Morrison Avenue	Lot 6, DP 1004625	Local	6141

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Suburb	Item Name	Address	Property Description	Significance	Item No
Wongawilli	Wongawilli Colliery*	Wongawilli Road	Part Lot 14, DP 255284; Lot 1, DP 321054 and Part Lot 244, Part Lot 255 and Part Lot 258, DP 751278	Local	7100
Woonona	Woonona Industrial Co-operative Society	20–22 Ball Street	Lot 1, DP 112101	Local	6194
Woonona	House	78 Campbell Street	Lot 100, DP 875552	Local	6457
Woonona	Woonona infants school	Gray Street	Lots 1 and 2, DP 795373	Local	6196
Woonona	House	6 High Street	Lot 81, DP 1057069	Local	6459
Woonona	Ivycliff	16 Mitchell Road	Lot 39, DP 6223	Local	61006
Woonona	Norfolk Island pines	Mitchell Road	Road reserve	Local	6516
Woonona	Bulli police station and court house	329–331 Princes Highway	Lot 1, DP 199573	Local	5926
Woonona	Former Vista Theatre	335–339 Princes Highway	Lot 2, DP 196949	Local	61008
Woonona	Former Friendly Society Hall	353 Princes Highway	Lot B, DP 154486	Local	6452
Woonona	Former garage	355 Princes Highway	Lot 1, DP 799151	Local	6453
Woonona	Former bank	359 Princes Highway	Lot 2, DP 70560	Local	6454
Woonona	Commercial building	373–375 Princes Highway	Lot 10, Section C, DP 605782	Local	6455

Suburb	Item Name	Address	Property Description	Significance	Item No
Woonona	Woonona post office	430 Princes Highway	Lot 1, DP 541687	Local	6195
Woonona	Woonona Uniting church	444-448 Princes Highway	Lot 1, DP 1109952	Local	61007
Woonona	Woonona Bulli School of Arts	479 Princes Highway	Lot 479, DP 1104915	Local	6502
Woonona	House	511 Princes Highway	Lot 1, DP 875602	Local	6198
Woonona	Pendlebury Rest Park	Corner Princes Highway and Gray Street	Lot 1, DP 956545 and Lots 1 and 2, DP 911694	Local	6199
Woonona	Rixons Pass Road—walls	Rixons Pass	Road reserve	Local	6518
Woonona	House	19 Russell Street	Lot B, DP 164727	Local	6189
Woonona	House	24 York Road	Lot 1, DP 529997	Local	6458
Yallah	House	Princess Highway	Lot 1, DP 156657	Local	6437

Note. “*” Indicates an archaeological site or a heritage site with an archaeological component.

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Schedule 5 Environmental heritage

Part 2 Heritage Conservation Areas

Column 1	Column 2	Column 3
Description	Identification on Heritage Map	Significance
Austinmer—Moore Street and The Grove	Marked with a red outline and red diagonal hatch	Local
Brownsville—Hore Street, Prince Edward Drive and Brownsville Avenue	Marked with a red outline and red diagonal hatch	Local
Bulli—commercial centre and railway, Princes Highway, Railway Street, Station Street, Park Road, Stokes Lane, Quilkey Place	Marked with a red outline and red diagonal hatch	Local
Garrawarra Hospital—Helensburgh, Princes Highway	Marked with a red outline and red diagonal hatch	Local
Illawarra Escarpment Landscape Area	Marked with a green outline and green vertical hatch	Local
Kembla Heights Mining Village—Harry Graham Drive and Soldiers Road	Marked with a red outline and red diagonal hatch	Local
Market Street—Wollongong, Market Street	Marked with a red outline and red diagonal hatch	Local
North Beach Precinct and Belmore Basin—Wollongong	Marked with a red outline and red diagonal hatch	State
Old Bulli—Princes Highway	Marked with a red outline and red diagonal hatch	Local

Dictionary

(Clause 1.4)

Aboriginal object means any deposit, object or other material evidence (not being a handicraft made for sale) relating to the Aboriginal habitation of an area of New South Wales, being habitation before or concurrent with (or both) the occupation of that area by persons of non-Aboriginal extraction, and includes Aboriginal remains.

acid sulfate soils means naturally occurring sediments and soils containing iron sulfides (principally pyrite) or their precursors or oxidation products, whose exposure to oxygen leads to the generation of sulfuric acid (for example, by drainage or excavation).

Acid Sulfate Soils Manual means the manual by that name published by the Acid Sulfate Soils Management Advisory Committee and made publicly available.

Acid Sulfate Soils Map means the Wollongong Local Environmental Plan 2009 Acid Sulfate Soils Map.

advertisement has the same meaning as in the Act.

Note. The term is defined as a sign, notice, device or representation in the nature of an advertisement visible from any public place or public reserve or from any navigable water.

advertising structure has the same meaning as in the Act.

Note. The term is defined as a structure used or to be used principally for the display of an advertisement.

affordable housing has the same meaning as in the Act.

Note. The term is defined as housing for very low income households, low income households or moderate income households, being such households as are prescribed by the regulations or as are provided for in an environmental planning instrument.

agricultural produce industry means an industry involving the handling, treating, processing or packing of produce from agriculture (including dairy products, seeds, fruit, vegetables or other plant material), and includes flour mills, cotton seed oil plants, cotton gins, feed mills, cheese and butter factories, and juicing or canning plants, but does not include a livestock processing industry.

agriculture means any of the following:

- (a) animal boarding or training establishments,
- (b) aquaculture,
- (c) extensive agriculture,
- (d) farm forestry,
- (e) intensive livestock agriculture,
- (f) intensive plant agriculture.

air transport facility means an airport or a heliport that is not part of an airport, and includes associated communication and air traffic control facilities or structures.

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airport means a place used for the landing, taking off, parking, maintenance or repair of aeroplanes (including associated buildings, installations, facilities and movement areas and any heliport that is part of the airport).

airstrip means a single runway for the landing, taking off or parking of aeroplanes for private aviation only, but does not include an airport, heliport or helipad.

amusement centre means a building or place (not being part of a pub or registered club) used principally for playing:

- (a) billiards, pool or other like games, or
- (b) electronic or mechanical amusement devices, such as pinball machines, computer or video games and the like.

animal boarding or training establishment means a building or place used for the breeding, boarding, training, keeping or caring of animals for commercial purposes (other than for the agistment of horses), and includes any associated riding school or ancillary veterinary hospital.

aquaculture has the same meaning as in the *Fisheries Management Act 1994*.

Note. The term is defined as follows:

aquaculture means:

- (a) cultivating fish or marine vegetation for the purposes of harvesting the fish or marine vegetation or their progeny with a view to sale, or
- (b) keeping fish or marine vegetation in a confined area for a commercial purpose (such as a fish-out pond),

but does not include:

- (c) keeping anything in a pet shop for sale or in an aquarium for exhibition (including an aquarium operated commercially), or
- (d) anything done for the purposes of maintaining a collection of fish or marine vegetation otherwise than for a commercial purpose, or
- (e) any other thing prescribed by the regulations (made under the *Fisheries Management Act 1994*).

This Dictionary also contains definitions of **natural water-based aquaculture**, **pond-based aquaculture** and **tank-based aquaculture**.

archaeological site means an area of land:

- (a) shown on the Heritage Map as an archaeological site, and
- (b) the location and nature of which is described in Schedule 5, and
- (c) that contains one or more relics.

attached dwelling means a building containing 3 or more dwellings, where:

- (a) each dwelling is attached to another dwelling by a common wall, and
- (b) each of the dwellings is on its own lot of land (not being an individual lot in a strata plan or community title scheme), and
- (c) none of the dwellings is located above any part of another dwelling.

attic means any habitable space, but not a separate dwelling, contained wholly within a roof above the ceiling line of the storey immediately below, except for minor elements such as dormer windows and the like.

backpackers' accommodation means tourist and visitor accommodation:

- (a) that has shared facilities, such as a communal bathroom, kitchen or laundry, and
- (b) that will generally provide accommodation on a bed basis (rather than by room).

basement means the space of a building where the floor level of that space is predominantly below ground level (existing) and where the floor level of the storey immediately above is less than 1 metre above ground level (existing).

battle-axe lot means a lot that has access to a road by an access laneway.

bed and breakfast accommodation means tourist and visitor accommodation comprising a dwelling (and any ancillary buildings and parking) where the accommodation is provided by the permanent residents of the dwelling and:

- (a) meals are provided for guests only, and
- (b) cooking facilities for the preparation of meals are not provided within guests' rooms, and
- (c) dormitory-style accommodation is not provided.

Note. See clause 5.4 for controls relating to the number of bedrooms.

biodiversity means biological diversity.

biological diversity has the same meaning as in the *Threatened Species Conservation Act 1995*.

Note. The term is defined as follows:

biological diversity means the diversity of life and is made up of the following 3 components:

- (a) genetic diversity—the variety of genes (or units of heredity) in any population,
- (b) species diversity—the variety of species,
- (c) ecosystem diversity—the variety of communities or ecosystems.

biosolid waste application means the application of sludge or other semi-solid products of human sewage treatment plants to land for the purpose of improving land productivity, that is undertaken in accordance with the NSW Environment Protection Authority's guidelines titled *Environmental Guidelines: Use and Disposal of Biosolids Products* (EPA 1997) and *Addendum to Environmental Guidelines: Use and Disposal of Biosolids Products* (EPA 2000a).

biosolids treatment facility means a building or place used as a facility for the treatment of biosolids from a sewage treatment plant or from a water recycling facility.

boarding house means a building:

- (a) that is wholly or partly let in lodgings, and

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- (b) that provides lodgers with a principal place of residence for 3 months or more, and
- (c) that may have shared facilities, such as a communal living room, bathroom, kitchen or laundry, and
- (d) that has rooms, some or all of which may have private kitchen and bathroom facilities, that accommodate one or more lodgers,

but does not include backpackers' accommodation, a group home, a serviced apartment, seniors housing or hotel or motel accommodation.

boat launching ramp means a structure designed primarily for the launching of trailer borne recreational vessels, and includes associated car parking facilities.

boat repair facility means any facility (including a building or other structure) used primarily for the construction, maintenance or repair of boats, whether or not including the storage, sale or hire of boats, but does not include a marina or boat shed.

boat shed means a building or other structure used for the storage and routine maintenance of a boat or boats and that is associated with a private dwelling or non-profit organisation, and includes any skid used in connection with the building or other structure.

brothel has the same meaning as in the Act.

building has the same meaning as in the Act.

Note. The term is defined to include part of a building and any structure or part of a structure, but not including a manufactured home, a moveable dwelling or associated structure (or part of a manufactured home, moveable dwelling or associated structure).

building height (or **height of building**) means the vertical distance between ground level (existing) at any point to the highest point of the building, including plant and lift overruns, but excluding communication devices, antennae, satellite dishes, masts, flagpoles, chimneys, flues and the like.

building identification sign means a sign that identifies or names a building and that may include the name of a building, the street name and number of a building, and a logo or other symbol, but that does not include general advertising of products, goods or services.

building line or **setback** means the horizontal distance between the property boundary or other stated boundary (measured at 90 degrees from the boundary) and:

- (a) a building wall, or
- (b) the outside face of any balcony, deck or the like, or
- (c) the supporting posts of a carport or verandah roof,

whichever distance is the shortest.

bulky goods premises means a building or place used primarily for the sale by retail, wholesale or auction of (or for the hire or display of) bulky goods, being goods that are of such size or weight as to require:

- (a) a large area for handling, display or storage, or

- (b) direct vehicular access to the site of the building or place by members of the public for the purpose of loading or unloading such goods into or from their vehicles after purchase or hire,

but does not include a building or place used for the sale of foodstuffs or clothing unless their sale is ancillary to the sale or hire or display of bulky goods.

bush fire hazard reduction work has the same meaning as in the *Rural Fires Act 1997*.

Note. The term is defined as follows:

bush fire hazard reduction work means:

- (a) the establishment or maintenance of fire breaks on land, and
- (b) the controlled application of appropriate fire regimes or other means for the reduction or modification of available fuels within a predetermined area to mitigate against the spread of a bush fire,

but does not include construction of a track, trail or road.

bush fire prone land has the same meaning as in the Act.

Note. The term is defined, in relation to an area, as land recorded for the time being as bush fire prone land on a map for the area certified as referred to in section 146 (2) of the Act.

bush fire risk management plan means a plan prepared under Division 4 of Part 3 of the *Rural Fires Act 1997* for the purpose referred to in section 54 of that Act.

business identification sign means a sign:

- (a) that indicates:
 - (i) the name of the person or business, and
 - (ii) the nature of the business carried on by the person at the premises or place at which the sign is displayed, and
- (b) that may include the address of the premises or place and a logo or other symbol that identifies the business,

but that does not include any advertising relating to a person who does not carry on business at the premises or place.

business premises means a building or place at or on which:

- (a) an occupation, profession or trade (other than an industry) is carried on for the provision of services directly to members of the public on a regular basis, or
 - (b) a service is provided directly to members of the public on a regular basis,
- and may include, without limitation, premises such as banks, post offices, hairdressers, dry cleaners, travel agencies, internet access facilities, medical centres, betting agencies and the like, but does not include sex services premises.

canal estate development means development that incorporates wholly or in part a constructed canal, or other waterway or waterbody, that is inundated by or drains to a natural waterway or natural waterbody by surface water or groundwater movement (not being works of drainage, or for the supply or treatment of water, that are

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constructed by or with the authority of a person or body responsible for those functions and that are limited to the minimal reasonable size and capacity to meet a demonstrated need for the works), and that either:

- (a) includes the construction of dwellings (which may include tourist and visitor accommodation) of a kind other than, or in addition to:
 - (i) dwellings that are permitted on rural land, and
 - (ii) dwellings that are used for caretaker or staff purposes, or
- (b) requires the use of a sufficient depth of fill material to raise the level of all or part of that land on which the dwellings are (or are proposed to be) located in order to comply with requirements relating to residential development on flood prone land.

car park means a building or place primarily used for the purpose of parking motor vehicles, including any manoeuvring space and access thereto, whether operated for gain or not.

caravan park means land (including a camping ground) on which caravans (or caravans and other moveable dwellings) are, or are to be, installed or placed.

catchment action plan has the same meaning as in the *Catchment Management Authorities Act 2003*.

Note. The term is defined as a catchment action plan of an authority that has been approved by the Minister under Part 4 of the *Catchment Management Authorities Act 2003*.

cellar door premises means retail premises that sell wine by retail and that are situated on land on which there is a commercial vineyard, where all of the wine offered for sale is produced in a winery situated on that land or is produced predominantly from grapes grown in the surrounding area.

cemetery means a building or place for the interment of deceased persons or their ashes.

charter and tourism boating facility means any facility (including a building or other structure) used for charter boating or tourism boating purposes, being a facility that is used only by the operators of the facility and that has a direct structural connection between the foreshore and the waterway, but does not include a marina.

child care centre means a building or place used for the supervision and care of children that:

- (a) provides long day care, pre-school care, occasional child care or out-of-school-hours care, and
- (b) does not provide overnight accommodation for children other than those related to the owner or operator of the centre,

but does not include:

- (c) a building or place used for home-based child care, or
- (d) an out-of-home care service provided by an agency or organisation accredited by the NSW Office of the Children's Guardian, or

-
- (e) a baby-sitting, playgroup or child-minding service that is organised informally by the parents of the children concerned, or
 - (f) a service provided for fewer than 5 children (disregarding any children who are related to the person providing the service) at the premises at which at least one of the children resides, being a service that is not advertised, or
 - (g) a regular child-minding service that is provided in connection with a recreational or commercial facility (such as a gymnasium), by or on behalf of the person conducting the facility, to care for children while the children's parents are using the facility, or
 - (h) a service that is concerned primarily with the provision of:
 - (i) lessons or coaching in, or providing for participation in, a cultural, recreational, religious or sporting activity, or
 - (ii) private tutoring, or
 - (i) a school, or
 - (j) a service provided at exempt premises (within the meaning of Chapter 12 of the *Children and Young Persons (Care and Protection) Act 1998*), such as hospitals, but only if the service is established, registered or licensed as part of the institution operating on those premises.

classified road has the same meaning as in the *Roads Act 1993*.

Note. The term is defined as follows:

classified road means any of the following:

- (a) a main road,
- (b) a highway,
- (c) a freeway,
- (d) a controlled access road,
- (e) a secondary road,
- (f) a tourist road,
- (g) a tollway,
- (h) a transitway,
- (i) a State work.

(see *Roads Act 1993* for meanings of these terms).

clearing native vegetation has the same meaning as in the *Native Vegetation Act 2003*.

Note. The term is defined as follows:

clearing native vegetation means any one or more of the following:

- (a) cutting down, felling, thinning, logging or removing native vegetation,
- (b) killing, destroying, poisoning, ringbarking, uprooting or burning native vegetation.

(See Division 3 of Part 3 of the *Native Vegetation Act 2003* for the exclusion of routine agricultural management and other farming activities from constituting the clearing of native vegetation if the landholder can establish that any clearing was carried out for the purpose of those activities.)

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coastal foreshore means land with frontage to a beach, estuary, coastal lake, headland, cliff or rock platform.

coastal lake means a body of water specified in Schedule 1 to the *State Environmental Planning Policy No 71—Coastal Protection*.

coastal waters of the State—see section 58 of the *Interpretation Act 1987*.

coastal zone has the same meaning as in the *Coastal Protection Act 1979*.

Note. The term is defined as follows:

coastal zone means:

- (a) the area within the coastal waters of the State as defined in Part 10 of the *Interpretation Act 1987* (including any land within those waters), and
- (b) the area of land and the waters that lie between the western boundary of the coastal zone (as shown on the maps outlining the coastal zone) and the landward boundary of the coastal waters of the State, and
- (c) the seabed (if any) and the subsoil beneath, and the airspace above, the areas referred to in paragraphs (a) and (b).

The coastal zone consists of the area between the western boundary of the coastal zone shown on the maps outlining the coastal zone and the outermost boundary of the coastal waters of the State. The coastal waters of the State extend, generally, to 3 nautical miles from the coastline of the State.

community facility means a building or place:

- (a) owned or controlled by a public authority or non-profit community organisation, and
- (b) used for the physical, social, cultural or intellectual development or welfare of the community,

but does not include an educational establishment, hospital, retail premises, place of public worship or residential accommodation.

community land has the same meaning as in the *Local Government Act 1993*.

correctional centre means:

- (a) any premises declared to be a correctional centre by a proclamation in force under section 225 of the *Crimes (Administration of Sentences) Act 1999*, including any juvenile correctional centre or periodic detention centre, and
- (b) any premises declared to be a detention centre by an order in force under section 5 (1) of the *Children (Detention Centres) Act 1987*,

but does not include any police station or court cell complex in which a person is held in custody in accordance with any Act.

Council means the Wollongong City Council.

crematorium means a building in which deceased persons or pets are cremated, and includes a funeral chapel.

Crown reserve means:

- (a) a reserve within the meaning of Part 5 of the *Crown Lands Act 1989*, or
- (b) a common within the meaning of the *Commons Management Act 1989*, or

(c) lands within the meaning of the *Trustees of Schools of Arts Enabling Act 1902*, but does not include land that forms any part of a reserve under Part 5 of the *Crown Lands Act 1989* provided for accommodation.

curtilage, in relation to a heritage item or conservation area, means the area of land (including land covered by water) surrounding a heritage item, a heritage conservation area, or building, work or place within a heritage conservation area, that contributes to its heritage significance.

dairy (pasture-based) means a dairy where the only restriction facilities present are the milking sheds and holding yards and where cattle are constrained for no more than 10 hours in any 24 hour period (excluding during any period of drought or similar emergency relief).

demolish, in relation to a heritage item, or a building, work, relic or tree within a heritage conservation area, means wholly or partly destroy, dismantle or deface the heritage item or the building, work, relic or tree.

depot means a building or place used for the storage (but not sale or hire) of plant, machinery or other goods (that support the operations of an existing undertaking) when not required for use.

designated State public infrastructure means public facilities or services that are provided or financed by the State (or if provided or financed by the private sector, to the extent of any financial or in-kind contribution by the State) of the following kinds:

- (a) State and regional roads,
- (b) bus interchanges and bus lanes,
- (c) land required for regional open space,
- (d) land required for social infrastructure and facilities (such as land for schools, hospitals, emergency services and justice purposes).

drainage means any activity that intentionally alters the hydrological regime of any locality by facilitating the removal of surface or ground water. It may include the construction, deepening, extending, opening, installation or laying of any canal, drain or pipe, either on the land or in such a manner as to encourage drainage of adjoining land.

dual occupancy means 2 dwellings (whether attached or detached) on one lot of land (not being an individual lot in a strata plan or community title scheme), but does not include a secondary dwelling.

dwelling means a room or suite of rooms occupied or used or so constructed or adapted as to be capable of being occupied or used as a separate domicile.

dwelling house means a building containing only one dwelling.

earthworks means excavation or filling.

ecologically sustainable development has the same meaning as in the Act.

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educational establishment means a building or place used for education (including teaching), being:

- (a) a school, or
- (b) a tertiary institution, including a university or a TAFE establishment, that provides formal education and is constituted by or under an Act.

electricity generating works means a building or place used for the purpose of making or generating electricity.

emergency services facility means a building or place (including a helipad) used in connection with the provision of emergency services by an emergency services organisation.

emergency services organisation means any of the following:

- (a) the Ambulance Service of New South Wales,
- (b) New South Wales Fire Brigades,
- (c) the NSW Rural Fire Service,
- (d) the NSW Police Force,
- (e) the State Emergency Service,
- (f) the New South Wales Volunteer Rescue Association Incorporated,
- (g) the New South Wales Mines Rescue Brigade established under the *Coal Industry Act 2001*,
- (h) an accredited rescue unit within the meaning of the *State Emergency and Rescue Management Act 1989*.

entertainment facility means a theatre, cinema, music hall, concert hall, dance hall and the like, but does not include a pub, nightclub or registered club.

environmental facility means a building or place that provides for the recreational use or scientific study of natural systems, and includes walking tracks, seating, shelters, board walks, observation decks, bird hides or the like, and associated display structures.

environmental protection works means works associated with the rehabilitation of land towards its natural state or any work to protect land from environmental degradation, and includes bush regeneration works, wetland protection works, erosion protection works, dune restoration works and the like.

estuary has the same meaning as in the *Water Management Act 2000*.

Note. The term is defined as follows:

estuary means:

- (a) any part of a river whose level is periodically or intermittently affected by coastal tides, or
- (b) any lake or other partially enclosed body of water that is periodically or intermittently open to the sea, or
- (c) anything declared by the regulations (under the *Water Management Act 2000*) to be an estuary,

but does not include anything declared by the regulations (under the *Water Management Act 2000*) not to be an estuary.

excavation means the removal of soil or rock, whether moved to another part of the same site or to another site, but does not include garden landscaping that does not significantly alter the shape, natural form or drainage of the land.

exhibition home means a dwelling built for the purposes of the public exhibition and marketing of new dwellings, whether or not it is intended to be sold as a private dwelling after its use for those purposes is completed, and includes any associated sales or home finance office or place used for displays.

exhibition village means 2 or more exhibition homes and associated buildings and places used for house and land sales, site offices, advisory services, car parking, food and drink sales and other associated purposes.

extensive agriculture means:

- (a) the production of crops or fodder (including irrigated pasture and fodder crops), or
- (b) the grazing of livestock, or
- (c) bee keeping,

for commercial purposes, but does not include any of the following:

- (d) animal boarding or training establishments,
- (e) aquaculture,
- (f) farm forestry,
- (g) intensive livestock agriculture,
- (h) intensive plant agriculture.

extractive industry means the winning or removal of extractive materials (otherwise than from a mine) by methods such as excavating, dredging, tunnelling or quarrying, including the storing, stockpiling or processing of extractive materials by methods such as recycling, washing, crushing, sawing or separating, but does not include turf farming.

extractive material means sand, soil, gravel, rock or similar substances that are not minerals within the meaning of the *Mining Act 1992*.

farm building means a structure the use of which is ancillary to an agricultural use of the landholding on which it is situated and includes a hay shed, stock holding yard, machinery shed, shearing shed, silo, storage tank, outbuilding or the like, but does not include a dwelling.

farm stay accommodation means tourist and visitor accommodation provided to paying guests on a working farm as a secondary business to primary production.

Note. See clause 5.4 for controls relating to the number of bedrooms.

feedlot means a confined or restricted area used to rear and fatten cattle, sheep or other animals for the purpose of meat production, fed (wholly or substantially) on prepared and manufactured feed, but does not include a poultry farm, dairy or piggery.

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fill means the depositing of soil, rock or other similar extractive material obtained from the same or another site, but does not include:

- (a) the depositing of topsoil or feature rock imported to the site that is intended for use in garden landscaping, turf or garden bed establishment or top dressing of lawns and that does not significantly alter the shape, natural form or drainage of the land, or
- (b) the use of land as a waste disposal facility.

filming means recording images (whether on film or video tape or electronically or by other means) for exhibition or broadcast (such as by cinema, television or the internet or by other means), but does not include:

- (a) still photography, or
- (b) recording images of a wedding ceremony or other private celebration or event principally for the purpose of making a record for the participants in the ceremony, celebration or event, or
- (c) recording images as a visitor or tourist for non-commercial purposes, or
- (d) recording for the immediate purposes of a television program that provides information by way of current affairs or daily news.

fish has the same meaning as in the *Fisheries Management Act 1994*.

Note. The term is defined as follows:

Definition of “fish”

- (1) **Fish** means marine, estuarine or freshwater fish or other aquatic animal life at any stage of their life history (whether alive or dead).
- (2) **Fish** includes:
 - (a) oysters and other aquatic molluscs, and
 - (b) crustaceans, and
 - (c) echinoderms, and
 - (d) beachworms and other aquatic polychaetes.
- (3) **Fish** also includes any part of a fish.
- (4) However, **fish** does not include whales, mammals, reptiles, birds, amphibians or other things excluded from the definition by the regulations under the *Fisheries Management Act 1994*.

flood mitigation work means work designed and constructed for the express purpose of mitigating flood impacts. It involves changing the characteristics of flood behaviour to alter the level, location, volume, speed or timing of flood waters to mitigate flood impacts. Types of works may include excavation, construction or enlargement of any fill, wall, or levee that will alter riverine flood behaviour, local overland flooding, or tidal action so as to mitigate flood impacts.

flood planning level means the level of a 1:100 ARI (average recurrent interval) flood event plus 0.5 metres freeboard.

floodway area has the same meaning as it has in the *Floodplain Development Manual* (ISBN 0 7347 5476 0) published by the New South Wales Government in 2005.

Note. The term means those areas of the floodplain where a significant discharge of water occurs during floods. They are often aligned with the naturally defined channels. Floodways are areas that, even if only partially blocked, would cause a significant redistribution of flood flow, or a significant increase in flood levels.

floor space ratio—see clause 4.5.

Floor Space Ratio Map means the Wollongong Local Environmental Plan 2009 Floor Space Ratio Map.

food and drink premises means retail premises used for the preparation and retail sale of food or drink for immediate consumption on or off the premises, and includes restaurants, cafes, take away food and drink premises, milk bars and pubs.

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 as the foreshore building line on the Foreshore Building Line Map.

Foreshore Building Line Map means the Wollongong Local Environmental Plan 2009 Foreshore Building Line Map.

forestry has the same meaning as **forestry operations** in the *Forestry and National Park Estate Act 1998*.

Note. The term is defined as follows:

forestry operations means:

- (a) logging operations, namely, the cutting and removal of timber from land for the purpose of timber production, or
- (b) forest products operations, namely, the harvesting of products of trees, shrubs and other vegetation (other than timber) that are of economic value, or
- (c) on-going forest management operations, namely, activities relating to the management of land for timber production such as thinning, bush fire hazard reduction, bee-keeping, grazing and other silvicultural activities, or
- (d) ancillary road construction, namely, the provision of roads and fire trails, and the maintenance of existing railways, to enable or assist in the above operations.

freight transport facility means a facility used principally for the bulk handling of goods for transport by road, rail, air or sea, including any facility for the loading and unloading of vehicles, aircraft, vessels or containers used to transport those goods and for the parking, holding, servicing or repair of those vehicles, aircraft or vessels or for the engines or carriages involved.

function centre means a building or place used for the holding of events, functions, conferences and the like, and includes convention centres, exhibition centres and reception centres, but does not include an entertainment facility.

funeral chapel means premises used to arrange, conduct and cater for funerals and memorial services, and includes facilities for the short-term storage, dressing and viewing of bodies of deceased persons, but does not include premises with mortuary facilities.

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funeral home means premises used to arrange and conduct funerals and memorial services, and includes facilities for the short-term storage, dressing and viewing of bodies of deceased persons and premises with mortuary facilities.

gross floor area means the sum of the floor area of each floor of a building measured from the internal face of external walls, or from the internal face of walls separating the building from any other building, measured at a height of 1.4 metres above the floor, and includes:

- (a) the area of a mezzanine, and
- (b) habitable rooms in a basement or an attic, and
- (c) any shop, auditorium, cinema, and the like, in a basement or attic,

but excludes:

- (d) any area for common vertical circulation, such as lifts and stairs, and
- (e) any basement:
 - (i) storage, and
 - (ii) vehicular access, loading areas, garbage and services, and
- (f) plant rooms, lift towers and other areas used exclusively for mechanical services or ducting, and
- (g) car parking to meet any requirements of the consent authority (including access to that car parking), and
- (h) any space used for the loading or unloading of goods (including access to it), and
- (i) terraces and balconies with outer walls less than 1.4 metres high, and
- (j) voids above a floor at the level of a storey or storey above.

ground level (existing) means the existing level of a site at any point.

ground level (finished) means, for any point on a site, the ground surface after completion of any earthworks (excluding any excavation for a basement, footings or the like) for which consent has been granted or that is exempt development.

ground level (mean) means, for any site on which a building is situated or proposed, one half of the sum of the highest and lowest levels at ground level (finished) of the outer surface of the external walls of the building.

group home means a dwelling that is a permanent group home or a transitional group home.

group home (permanent) or **permanent group home** means a dwelling:

- (a) that is occupied by persons as a single household with or without paid supervision or care and whether or not those persons are related or payment for board and lodging is required, and

- (b) that is used to provide permanent household accommodation for people with a disability or people who are socially disadvantaged,

but does not include development to which *State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004* applies.

group home (transitional) or **transitional group home** means a dwelling:

- (a) that is occupied by persons as a single household with or without paid supervision or care and whether or not those persons are related or payment for board and lodging is required, and
- (b) that is used to provide temporary accommodation for the relief or rehabilitation of people with a disability or for drug or alcohol rehabilitation purposes, or that is used to provide half-way accommodation for persons formerly living in institutions or temporary accommodation comprising refuges for men, women or young people,

but does not include development to which *State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004* applies.

hazardous industry means development for the purpose of an industry that, when the development is in operation and when all measures proposed to reduce or minimise its impact on the locality have been employed (including, for example, measures to isolate the development from existing or likely future development on other land in the locality), would pose a significant risk in the locality:

- (a) to human health, life or property, or
- (b) to the biophysical environment.

hazardous storage establishment means any establishment where goods, materials or products are stored that, when in operation and when all measures proposed to reduce or minimise its impact on the locality have been employed (including, for example, measures to isolate the establishment from existing or likely future development on other land in the locality), would pose a significant risk in the locality:

- (a) to human health, life or property, or
- (b) to the biophysical environment.

headland includes a promontory extending from the general line of the coastline into a large body of water, such as a sea, coastal lake or bay.

health care professional means any person registered under an Act for the purpose of providing health care.

health consulting rooms means a medical centre that comprises one or more rooms within (or within the curtilage of) a dwelling house used by not more than 3 health care professionals who practise in partnership (if there is more than one such professional) who provide professional health care services to members of the public.

health services facility means a building or place used as a facility to provide medical or other services relating to the maintenance or improvement of the health, or the

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restoration to health, of persons or the prevention of disease in or treatment of injury to persons, and includes the following:

- (a) day surgeries and medical centres,
- (b) community health service facilities,
- (c) health consulting rooms,
- (d) facilities for the transport of patients, including helipads and ambulance facilities,
- (e) hospitals.

heavy industry means an industry that requires separation from other land uses because of the nature of the processes involved, or the materials used, stored or produced. It may consist of or include a hazardous or offensive industry or involve the use of a hazardous or offensive storage establishment.

Height of Buildings Map means the Wollongong Local Environmental Plan 2009 Height of Buildings Map.

helipad means a place not open to the public used for the taking off and landing of helicopters.

heliport means a place open to the public used for the taking off and landing of helicopters, whether or not it includes:

- (a) a terminal building, or
- (b) facilities for the parking, storage or repair of helicopters.

heritage conservation area means an area of land:

- (a) shown on the Heritage Map as a heritage conservation area or as a place of Aboriginal heritage significance, and
- (b) the location and nature of which is described in Schedule 5,

and includes any heritage items situated on or within that area.

heritage conservation management plan means a document prepared in accordance with guidelines prepared by the Department of Planning that documents the heritage significance of an item, place or heritage conservation area and identifies conservation policies and management mechanisms that are appropriate to enable that significance to be retained.

heritage impact statement means a document consisting of:

- (a) a statement demonstrating the heritage significance of a heritage item, archaeological site, place of Aboriginal heritage significance or other heritage conservation area, and
- (b) an assessment of the impact that proposed development will have on that significance, and
- (c) proposals for measures to minimise that impact.

heritage item means a building, work, archaeological site, tree, place or Aboriginal object:

- (a) shown on the Heritage Map as a heritage item, and
- (b) the location and nature of which is described in Schedule 5, and
- (c) specified in an inventory of heritage items that is available at the office of the Council.

Heritage Map means the Wollongong Local Environmental Plan 2009 Heritage Map.

heritage significance means historical, scientific, cultural, social, archaeological, architectural, natural or aesthetic value.

highway service centre means a building or place used as a facility to provide refreshments and vehicle services to highway users, and which may include any one or more of the following:

- (a) restaurants or take away food and drink premises,
- (b) service stations and facilities for emergency vehicle towing and repairs,
- (c) parking for vehicles,
- (d) rest areas and public amenities.

home-based child care means a dwelling used by a resident of the dwelling for the supervision and care of one or more children and that satisfies the following conditions:

- (a) the service is appropriately licensed within the meaning of the *Children and Young Persons (Care and Protection) Act 1998*,
- (b) the number of children (including children related to the carer or licensee) does not at any one time exceed 7 children under the age of 12 years, including no more than 5 who do not ordinarily attend school.

home business means a business carried on in a dwelling, or in a building ancillary to a dwelling, by one or more permanent residents of the dwelling that does not involve:

- (a) the employment of more than 2 persons other than those residents, or
- (b) interference with the amenity of the neighbourhood by reason of the emission of noise, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil, traffic generation or otherwise, or
- (c) the exposure to view, from any adjacent premises or from any public place, of any unsightly matter, or
- (d) the exhibition of any notice, advertisement or sign (other than a notice, advertisement or sign exhibited on that dwelling to indicate the name of the resident and the business carried on in the dwelling), or

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(e) the sale of items (whether goods or materials), or the exposure or offer for sale of items, by retail, except for goods produced at the dwelling or building, but does not include bed and breakfast accommodation, home occupation (sex services) or sex services premises.

Note. See clause 5.4 for controls relating to the floor area used to carry on the business.

home industry means a light industry carried on in a dwelling, or in a building ancillary to a dwelling, by one or more permanent residents of the dwelling that does not involve:

- (a) the employment of more than 2 persons other than those residents, or
- (b) interference with the amenity of the neighbourhood by reason of the emission of noise, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil, traffic generation or otherwise, or
- (c) the exposure to view, from any adjacent premises or from any public place, of any unsightly matter, or
- (d) the exhibition of any notice, advertisement or sign (other than a notice, advertisement or sign exhibited on that dwelling to indicate the name of the resident and the light industry carried on in the dwelling), or
- (e) the sale of items (whether goods or materials), or the exposure or offer for sale of items, by retail, except for goods produced at the dwelling or building,

but does not include bed and breakfast accommodation or sex services premises.

Note. See clause 5.4 for controls relating to the floor area used to carry on the light industry.

home occupation means an occupation carried on in a dwelling, or in a building ancillary to a dwelling, by one or more permanent residents of the dwelling that does not involve:

- (a) the employment of persons other than those residents, or
- (b) interference with the amenity of the neighbourhood by reason of the emission of noise, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil, traffic generation or otherwise, or
- (c) the display of goods, whether in a window or otherwise, or
- (d) the exhibition of any notice, advertisement or sign (other than a notice, advertisement or sign exhibited on that dwelling to indicate the name of the resident and the occupation carried on in the dwelling), or
- (e) the sale of items (whether goods or materials), or the exposure or offer for sale of items, by retail,

but does not include bed and breakfast accommodation, a brothel or home occupation (sex services).

home occupation (sex services) means the provision of sex services in a dwelling that is a brothel, or in a building that is a brothel and is ancillary to such a dwelling, by no more than 2 permanent residents of the dwelling and that does not involve:

- (a) the employment of persons other than those residents, or

-
- (b) interference with the amenity of the neighbourhood by reason of the emission of noise, traffic generation or otherwise, or
 - (c) the exhibition of any notice, advertisement or sign, or
 - (d) the sale of items (whether goods or materials), or the exposure or offer for sale of items, by retail,

but does not include a home business or sex services premises.

horticulture means the cultivation of fruits, vegetables, mushrooms, nuts, cut flowers and foliage and nursery products for commercial purposes, but does not include retail sales or viticulture.

hospital means a building or place used for the purpose of providing professional health care services (such as preventative or convalescent care, diagnosis, medical or surgical treatment, psychiatric care or care for people with disabilities, or counselling services provided by health care professionals) to people admitted as in-patients (whether or not out-patients are also cared for or treated there), and includes ancillary facilities for (or that consist of) any of the following:

- (a) day surgery, day procedures or health consulting rooms,
- (b) accommodation for nurses or other health care workers,
- (c) accommodation for persons receiving health care or for their visitors,
- (d) shops or refreshment rooms,
- (e) transport of patients, including helipads, ambulance facilities and car parking,
- (f) educational purposes or any other health-related use,
- (g) research purposes (whether or not it is carried out by hospital staff or health care workers or for commercial purposes),
- (h) chapels,
- (i) hospices,
- (j) mortuaries.

hostel means premises that are generally staffed by social workers or support providers and at which:

- (a) residential accommodation is provided in dormitories, or on a single or shared basis, or by a combination of them, and
- (b) cooking, dining, laundering, cleaning and other facilities are provided on a shared basis.

hotel or motel accommodation means tourist and visitor accommodation (whether or not licensed premises under the *Liquor Act 2007*):

- (a) comprising rooms or self-contained suites, and

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(b) that may provide meals to guests or the general public and facilities for the parking of guests' vehicles,

but does not include backpackers' accommodation, a boarding house, bed and breakfast accommodation or farm stay accommodation.

Illawarra Escarpment Map means the Wollongong Local Environmental Plan 2009 Illawarra Escarpment Map.

industrial retail outlet means a building or place that:

- (a) is used in conjunction with an industry (including a light industry) but not in conjunction with a warehouse or distribution centre, and
- (b) is situated on the land on which the industry is carried out, and
- (c) is used for the display or sale (whether by retail or wholesale) of only those goods that have been manufactured on the land on which the industry is carried out.

Note. See clause 5.4 for controls relating to the retail floor area.

industry means the manufacturing, production, assembling, altering, formulating, repairing, renovating, ornamenting, finishing, cleaning, washing, dismantling, transforming, processing or adapting, or the research and development of any goods, chemical substances, food, agricultural or beverage products, or articles for commercial purposes, but does not include extractive industry or a mine.

information and education facility means a building or place used for providing information or education to visitors, and the exhibition or display of items, and includes an art gallery, museum, library, visitor information centre and the like.

intensive livestock agriculture means the keeping or breeding, for commercial purposes, of cattle, poultry, goats, horses or other livestock, that are fed wholly or substantially on externally-sourced feed, and includes the operation of feed lots, piggeries, poultry farms or restricted dairies, but does not include the operation of facilities for drought or similar emergency relief or extensive agriculture or aquaculture.

intensive plant agriculture means any of the following carried out for commercial purposes:

- (a) the cultivation of irrigated crops (other than irrigated pasture or fodder crops),
- (b) horticulture,
- (c) turf farming,
- (d) viticulture.

jetty means a horizontal decked walkway providing access from the shore to the waterway and is generally constructed on a piered or piled foundation.

Key Sites Map means the Wollongong Local Environmental Plan 2009 Key Sites Map.

kiosk means retail premises used for the purposes of selling food, light refreshments and other small convenience items such as newspapers, films and the like.

Note. See clause 5.4 for controls relating to the gross floor area.

Land Application Map means the Wollongong Local Environmental Plan 2009 Land Application Map.

Land Reservation Acquisition Map means the Wollongong Local Environmental Plan 2009 Land Reservation Acquisition Map.

Land Zoning Map means the Wollongong Local Environmental Plan 2009 Land Zoning Map.

landscape and garden supplies means a building or place where trees, shrubs, plants, bulbs, seeds and propagating material are offered for sale (whether by retail or wholesale), and may include the sale of landscape supplies (including earth products or other landscape and horticulture products) and the carrying out of horticulture.

landscaped area means a part of a site used for growing plants, grasses and trees, but does not include any building, structure or hard paved area.

light industry means an industry, not being a hazardous or offensive industry or involving use of a hazardous or offensive storage establishment, in which the processes carried on, the transportation involved or the machinery or materials used do not interfere with the amenity of the neighbourhood by reason of noise, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil, or otherwise.

liquid fuel depot means storage premises that are used for the bulk storage for wholesale distribution of petrol, oil, petroleum or other inflammable liquid and at which no retail trade is conducted.

livestock processing industry means an industry that involves the commercial production of products derived from the slaughter of animals (including poultry) or the processing of skins or wool of animals, derived principally from surrounding districts, and includes such activities as abattoirs, knackereries, tanneries, woolscours and rendering plants.

Lot Size Map means the Wollongong Local Environmental Plan 2009 Lot Size Map.

maintenance, in relation to a heritage item or a building, work, archaeological site, tree or place within a heritage conservation area, means ongoing protective care. It does not include the removal or disturbance of existing fabric, alterations, such as carrying out extensions or additions, or the introduction of new materials or technology.

marina means a permanent boat storage facility (whether located wholly on land, wholly on the waterway or partly on land and partly on the waterway) together with any associated facilities, including:

- (a) any facility for the construction, repair, maintenance, storage, sale or hire of boats, and
- (b) any facility for providing fuelling, sewage pump-out or other services for boats, and

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- (c) any facility for launching or landing boats, such as slipways or hoists, and
- (d) any associated car parking, commercial, tourist or recreational or club facility that is ancillary to a boat storage facility, and
- (e) any associated single mooring.

market means retail premises comprising an open-air area or an existing building used for the purpose of selling, exposing or offering goods, merchandise or materials for sale by independent stall holders, and includes temporary structures and existing permanent structures used for that purpose on an intermittent or occasional basis.

mean high water mark means the position where the plane of the mean high water level of all ordinary local high tides intersects the foreshore, being 1.44m above the zero of Fort Denison Tide Gauge and 0.515m Australian Height Datum.

medical centre means business premises used for the purpose of providing health services (including preventative care, diagnosis, medical or surgical treatment, counselling or alternative therapies) to out-patients only, where such services are principally provided by health care professionals, and may include the ancillary provision of other health services.

mezzanine means an intermediate floor within a room.

mine means any place (including any excavation) where an operation is carried on for mining of any mineral by any method and any place on which any mining related work is carried out, but does not include a place used only for extractive industry.

mine subsidence district means a mine subsidence district proclaimed under section 15 of the *Mine Subsidence Compensation Act 1961*.

mining means mining carried out under the *Mining Act 1992* or the recovery of minerals under the *Offshore Minerals Act 1999*, and includes:

- (a) the construction, operation and decommissioning of associated works, and
- (b) the rehabilitation of land affected by mining.

mixed use development means a building or place comprising 2 or more different land uses.

mooring means a detached or freestanding apparatus located on or in a waterway and that is capable of securing a vessel.

mortuary means premises that are used, or intended to be used, for the receiving, preparation, embalming and storage of bodies of deceased persons pending their interment or cremation.

moveable dwelling has the same meaning as in the *Local Government Act 1993*.

Note. The term is defined as follows:

moveable dwelling means:

- (a) any tent, or any caravan or other van or other portable device (whether on wheels or not), used for human habitation, or
- (b) a manufactured home, or
- (c) any conveyance, structure or thing of a class or description prescribed by the regulations (under the *Local Government Act 1993*) for the purposes of this definition.

multi dwelling housing means 3 or more dwellings (whether attached or detached) on one lot of land (not being an individual lot in a strata plan or community title scheme) each with access at ground level, but does not include a residential flat building.

native fauna means any animal-life that is indigenous to New South Wales or is known to periodically or occasionally migrate to New South Wales, whether vertebrate (including fish) or invertebrate and in any stage of biological development, but does not include humans.

native flora means any plant-life that is indigenous to New South Wales, whether vascular or non-vascular and in any stage of biological development, and includes fungi and lichens, and marine vegetation within the meaning of Part 7A of the *Fisheries Management Act 1994*.

native vegetation has the same meaning as in the *Native Vegetation Act 2003*.

Note. The term is defined as follows:

Meaning of “native vegetation”

- (1) **Native vegetation** means any of the following types of indigenous vegetation:
 - (a) trees (including any sapling or shrub, or any scrub),
 - (b) understorey plants,
 - (c) groundcover (being any type of herbaceous vegetation),
 - (d) plants occurring in a wetland.
- (2) Vegetation is **indigenous** if it is of a species of vegetation, or if it comprises species of vegetation, that existed in the State before European settlement.
- (3) **Native vegetation** does not include any mangroves, seagrasses or any other type of marine vegetation to which section 205 of the *Fisheries Management Act 1994* applies.

Natural Resource Sensitivity—Biodiversity Map means the Wollongong Local Environmental Plan 2009 Natural Resource Sensitivity—Biodiversity Map.

natural water-based aquaculture means aquaculture undertaken in natural waterbodies (including any part of the aquaculture undertaken in tanks, ponds or other facilities such as during hatchery or depuration phases).

Note. Typical natural water-based aquaculture is fin fish culture in cages and oyster, mussel or scallop culture on or in racks, lines or cages.

navigable waterway means any waterway that is from time to time capable of navigation and is open to or used by the public for navigation, but does not include flood waters that have temporarily flowed over the established bank of a watercourse.

neighbourhood shop means retail premises used for the purposes of selling small daily convenience goods such as foodstuffs, personal care products, newspapers and the like to provide for the day-to-day needs of people who live or work in the local area, and may include ancillary services such as a post office, bank or dry cleaning, but does not include restricted premises.

Note. See clause 5.4 for controls relating to the retail floor area.

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non-potable water means water that does not meet the standards or values for drinking water recommended from time to time by the National Health and Medical Research Council.

NSW Coastal Policy means the publication titled *NSW Coastal Policy 1997: A Sustainable Future for the New South Wales Coast*, published by the Government.

offensive industry means any development for the purpose of an industry that would, when the development is in operation and when all measures proposed to reduce or minimise its impact on the locality have been employed (including, for example, measures to isolate the development from existing or likely future development on other land in the locality), emit a polluting discharge (including, for example, noise) in a manner that would have a significant adverse impact in the locality or on the existing or likely future development on other land in the locality.

offensive storage establishment means any establishment where goods, materials or products are stored and that would, when all measures proposed to reduce or minimise its impact on the locality have been employed (including, for example, measures to isolate the establishment from existing or likely future development on other land in the locality), emit a polluting discharge (including, for example, noise) in a manner that would have a significant adverse impact in the locality or on the existing or likely future development on other land in the locality.

office premises means a building or place used for the purpose of administrative, clerical, technical, professional or similar activities that do not include dealing with members of the public at the building or place on a direct and regular basis, except where such dealing is a minor activity (by appointment) that is ancillary to the main purpose for which the building or place is used.

operational land has the same meaning as in the *Local Government Act 1993*.

parking space means a space dedicated for the parking of a motor vehicle, including any manoeuvring space and access to it, but does not include a car park.

passenger transport facility means a building or place used for the assembly or dispersal of passengers by any form of transport, including facilities required for parking, manoeuvring, storage or routine servicing of any vehicle that uses the building or place.

place of Aboriginal heritage significance means an area of land shown on the Heritage Map that is:

- (a) the site of one or more Aboriginal objects or a place that has the physical remains of pre-European occupation by, or is of contemporary significance to, the Aboriginal people. It can (but need not) include items and remnants of the occupation of the land by Aboriginal people, such as burial places, engraving sites, rock art, midden deposits, scarred and sacred trees and sharpening grooves, or
- (b) a natural Aboriginal sacred site or other sacred feature. It includes natural features such as creeks or mountains of long-standing cultural significance, as well as initiation, ceremonial or story places or areas of more contemporary cultural significance.

place of public worship means a building or place used for the purpose of religious worship by a congregation or religious group, whether or not the building or place is also used for counselling, social events, instruction or religious training.

pond-based aquaculture means aquaculture undertaken in structures that are constructed by excavating and reshaping earth, which may be earthen or lined, and includes any part of the aquaculture undertaken in tanks, such as during the hatchery or pre-market conditioning phases, but does not include natural water-based aquaculture.

Note. Typical pond-based aquaculture is the pond culture of prawns, yabbies or silver perch.

port facilities means any of the following facilities at or in the vicinity of a designated port within the meaning of section 47 of the *Ports and Maritime Administration Act 1995*:

- (a) facilities for the embarkation or disembarkation of passengers onto or from any vessels, including public ferry wharves,
- (b) facilities for the loading or unloading of freight onto or from vessels and associated receival, land transport and storage facilities,
- (c) wharves for commercial fishing operations,
- (d) refuelling, launching, berthing, mooring, storage or maintenance facilities for any vessel,
- (e) sea walls or training walls,
- (f) administration buildings, communication, security and power supply facilities, roads, rail lines, pipelines, fencing, lighting or car parks.

potable water means water that meets the standards or values for drinking water recommended from time to time by the National Health and Medical Research Council.

private open space means an area external to a building (including an area of land, terrace, balcony or deck) that is used for private outdoor purposes ancillary to the use of the building.

property vegetation plan has the same meaning as in the *Native Vegetation Act 2003*.

Note. The term is defined as follows:

property vegetation plan means a property vegetation plan that has been approved under Part 4 of the *Native Vegetation Act 2003*.

pub means licensed premises under the *Liquor Act 2007* the principal purpose of which is the sale of liquor for consumption on the premises, whether or not the premises include hotel or motel accommodation and whether or not food is sold or entertainment is provided on the premises.

public administration building means a building used as offices or for administrative or other like purposes by the Crown, a statutory body, a council or an organisation established for public purposes, and includes a courthouse or a police station.

public authority has the same meaning as in the Act.

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public land has the same meaning as in the *Local Government Act 1993*.

Note. The term is defined as follows:

public land means any land (including a public reserve) vested in or under the control of the council, but does not include:

- (a) a public road, or
- (b) land to which the *Crown Lands Act 1989* applies, or
- (c) a common, or
- (d) land subject to the *Trustees of Schools of Arts Enabling Act 1902*, or
- (e) a regional park under the *National Parks and Wildlife Act 1974*.

public reserve has the same meaning as in the *Local Government Act 1993*.

public utility undertaking means any of the following undertakings carried on or permitted to be carried on by or by authority of any Government Department or under the authority of or in pursuance of any Commonwealth or State Act:

- (a) railway, road transport, water transport, air transport, wharf or river undertakings,
- (b) undertakings for the supply of water, hydraulic power, electricity or gas or the provision of sewerage or drainage services,

and a reference to a person carrying on a public utility undertaking includes a reference to a council, electricity supply authority, Government Department, corporation, firm or authority carrying on the undertaking.

rainwater tank means a tank designed for the storage of rainwater gathered on the land on which the tank is situated.

recreation area means a place used for outdoor recreation that is normally open to the public, and includes:

- (a) a children's playground, or
- (b) an area used for community sporting activities, or
- (c) a public park, reserve or garden or the like,

and any ancillary buildings, but does not include a recreation facility (indoor), recreation facility (major) or recreation facility (outdoor).

recreation facility (indoor) means a building or place used predominantly for indoor recreation, whether or not operated for the purposes of gain, including a squash court, indoor swimming pool, gymnasium, table tennis centre, health studio, bowling alley, ice rink or any other building or place of a like character used for indoor recreation, but does not include an entertainment facility, a recreation facility (major) or a registered club.

recreation facility (major) means a building or place used for large-scale sporting or recreation activities that are attended by large numbers of people whether regularly or periodically, and includes sports stadiums, showgrounds, racecourses and motor racing tracks.

recreation facility (outdoor) means a building or place (other than a recreation area) used predominantly for outdoor recreation, whether or not operated for the purposes

of gain, including a golf course, golf driving range, mini-golf centre, tennis court, paint-ball centre, lawn bowling green, outdoor swimming pool, equestrian centre, skate board ramp, go-kart track, rifle range, water-ski centre or any other building or place of a like character used for outdoor recreation (including any ancillary buildings), but does not include an entertainment facility or a recreation facility (major).

Reduced Level (RL) means height above the Australian Height Datum, being the datum surface approximating mean sea level that was adopted by the National Mapping Council of Australia in May 1971.

registered club means a club in respect of which a certificate of registration under the *Registered Clubs Act 1976* is in force, whether or not entertainment is provided at the club.

relevant Commonwealth body, in relation to flight paths and airport noise, means the Department or other body of the Commonwealth having responsibility for airports.

relic means any deposit, object or other material evidence of human habitation:

- (a) that relates to the settlement of the area of Wollongong, not being Aboriginal settlement, and
- (b) that is more than 50 years old, and
- (c) that is a fixture or is wholly or partly within the ground.

research station means a building or place operated by a public authority for the principal purpose of agricultural, environmental, fisheries, forestry, minerals or soil conservation research, and includes any associated facility for education, training, administration or accommodation.

residential accommodation means a building or place used predominantly as a place of residence, but does not include tourist and visitor accommodation.

residential care facility means accommodation for seniors (people aged 55 years or more) or people with a disability that includes:

- (a) meals and cleaning services, and
- (b) personal care or nursing care, or both, and
- (c) appropriate staffing, furniture, furnishings and equipment for the provision of that accommodation and care,

not being a dwelling, hospital or psychiatric facility.

residential flat building means a building containing 3 or more dwellings, but does not include an attached dwelling or multi dwelling housing.

resource recovery facility means a building or place used for the recovery of resources from waste, including works or activities such as separating and sorting, processing or treating the waste, temporary storage, transfer or sale of recovered resources, energy generation from gases and water treatment, but not including re-manufacture or disposal of the material by landfill or incineration.

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restaurant means a building or place the principal purpose of which is the provision of food or beverages to people for consumption on the premises, whether or not takeaway meals and beverages or entertainment are also provided.

restricted dairy means a dairy (other than a dairy (pasture-based)) where restriction facilities are present in addition to milking sheds and holding yards, and where cattle have access to grazing for less than 10 hours in any 24 hour period (excluding during periods of drought or similar emergency relief). A restricted dairy may comprise the whole or part of a restriction facility.

restricted premises means business premises or retail premises that, due to their nature, restrict access to patrons or customers over 18 years of age, and includes sex shops and similar premises but does not include hotel or motel accommodation, a pub, home occupation (sex services) or sex services premises.

restriction facilities means facilities where animals are constrained for management purposes, including milking sheds, pads, feed stalls, holding yards and paddocks where the number of livestock exceeds the ability of vegetation to recover from the effects of grazing in a normal growing season, but does not include facilities for drought or similar emergency relief.

retail premises means a building or place used for the purpose of selling items by retail, or for hiring or displaying items for the purpose of selling them by retail or hiring them out, whether the items are goods or materials (or whether also sold by wholesale).

Riparian Land Map means the Wollongong Local Environmental Plan 2009 Riparian Land Map.

road means a public road or a private road within the meaning of the *Roads Act 1993*, and includes a classified road.

roadside stall means a place or temporary structure used for retail selling of agricultural produce or hand crafted goods (or both) produced from the property on which the stall is situated or from an adjacent property.

Note. See clause 5.4 for controls relating to the gross floor area.

rural industry means an industry that involves the handling, treating, production, processing or packing of animal or plant agricultural products, and includes:

- (a) agricultural produce industry, or
 - (b) livestock processing industry, or
 - (c) use of composting facilities and works (including to produce mushroom substrate), or
 - (d) use of sawmill or log processing works, or
 - (e) use of stock and sale yards, or
 - (f) the regular servicing or repairing of plant or equipment used for the purposes of a rural enterprise,
- undertaken for commercial purposes.

rural supplies means a building or place used for the display, sale (whether by retail or wholesale) or hire of stockfeeds, grains, seed, fertilizers, veterinary supplies and other goods or materials used in farming and primary industry production.

rural worker's dwelling means a dwelling, ancillary to a dwelling house on the same landholding, used as the principal place of residence by persons employed for the purpose of agriculture or a rural industry on that land.

sawmill or log processing works means a building or place used for handling, cutting, chipping, pulping or otherwise processing logs, baulks, branches or stumps, principally derived from surrounding districts, into timber or other products derived from wood.

school means a government school or non-government school within the meaning of the *Education Act 1990*.

secondary dwelling means a self-contained dwelling that:

- (a) is established in conjunction with another dwelling (the **principal dwelling**), and
- (b) is on the same lot of land (not being an individual lot in a strata plan or community title scheme) as the principal dwelling, and
- (c) is located within, or is attached to, or is separate from, the principal dwelling.

Note. See clause 5.4 for controls relating to the total floor area.

self-storage units means storage premises that consist of individual enclosed compartments for storing goods or materials (other than hazardous or offensive goods or materials).

semi-detached dwelling means a dwelling that is on its own lot of land (not being an individual lot in a strata plan or community title scheme) and is attached to only one other dwelling.

seniors housing means residential accommodation that consists of:

- (a) a residential care facility, or
- (b) a hostel, or
- (c) a group of self-contained dwellings, or
- (d) a combination of these,

and that is, or is intended to be, used permanently for:

- (e) seniors or people who have a disability, or
- (f) people who live in the same household with seniors or people who have a disability, or
- (g) staff employed to assist in the administration of the residential accommodation or in the provision of services to persons living in the accommodation,

but does not include a hospital.

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service station means a building or place used for the sale by retail of fuels and lubricants for motor vehicles, whether or not the building or place is also used for any one or more of the following:

- (a) the ancillary sale by retail of spare parts and accessories for motor vehicles,
- (b) the cleaning of motor vehicles,
- (c) installation of accessories,
- (d) inspecting, repairing and servicing of motor vehicles (other than body building, panel beating, spray painting, or chassis restoration),
- (e) the ancillary retail selling or hiring of general merchandise or services or both.

serviced apartment means a building or part of a building providing self-contained tourist and visitor accommodation that is regularly serviced or cleaned by the owner or manager of the building or part of the building or the owner's or manager's agents.

sewage reticulation system means a building or place used for the collection and transfer of sewage to a sewage treatment plant or water recycling facility for treatment, or transfer of the treated waste for use or disposal, including associated:

- (a) pipelines and tunnels, and
- (b) pumping stations, and
- (c) dosing facilities, and
- (d) odour control works, and
- (e) sewage overflow structures, and
- (f) vent stacks.

sewage treatment plant means a building or place used for the treatment and disposal of sewage, whether or not the facility supplies recycled water for use as an alternative water supply.

sewerage system means a biosolids treatment facility, sewage reticulation system, sewage treatment plant, water recycling facility, or any combination of these.

sex services means sexual acts or sexual services in exchange for payment.

sex services premises means a brothel, but does not include home occupation (sex services).

shop means retail premises that sell groceries, personal care products, clothing, music, homewares, stationery, electrical goods or other items of general merchandise, and may include a neighbourhood shop, but does not include food and drink premises or restricted premises.

shop top housing means one or more dwellings located above (or otherwise attached to) ground floor retail premises or business premises.

signage means any sign, notice, device, representation or advertisement that advertises or promotes any goods, services or events and any structure or vessel that is principally designed for, or that is used for, the display of signage, and includes:

- (a) building identification signs, and

- (b) business identification signs, and
- (c) advertisements,

but does not include traffic signs or traffic control facilities.

site area means the area of any land on which development is or is to be carried out. The land may include the whole or part of one lot, or more than one lot if they are contiguous to each other, but does not include the area of any land on which development is not permitted to be carried out under this Plan.

Note. The effect of this definition is varied by clause 4.5 for the purpose of the determination of permitted floor space area for proposed development.

site coverage means the proportion of a site area covered by buildings. However, the following are not included for the purpose of calculating site coverage:

- (a) any basement,
- (b) any part of an awning that is outside the outer walls of a building and that adjoins the street frontage or other site boundary,
- (c) any eaves,
- (d) unenclosed balconies, decks, pergolas and the like.

spa pool has the same meaning as in the *Swimming Pools Act 1992*.

Note. The term is defined to include any excavation, structure or vessel in the nature of a spa pool, flotation tank, tub or the like.

stock and sale yard means a building or place used on a commercial basis for the purpose of offering livestock or poultry for sale and may be used for the short-term storage and watering of stock.

storage premises means a building or place used for the storage of goods, materials, plant or machinery for commercial purposes and where the storage is not ancillary to any business premises or retail premises on the same parcel of land.

storey means a space within a building that is situated between one floor level and the floor level next above, or if there is no floor above, the ceiling or roof above, but does not include:

- (a) a space that contains only a lift shaft, stairway or meter room, or
- (b) a mezzanine, or
- (c) an attic.

Sun Plane Protection Map means the Wollongong Local Environmental Plan 2009 Sun Plane Protection Map.

swimming pool has the same meaning as in the *Swimming Pools Act 1992*.

Note. The term is defined as follows:

swimming pool means an excavation, structure or vessel:

- (a) that is capable of being filled with water to a depth of 300 millimetres or more, and

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- (b) that is solely or principally used, or that is designed, manufactured or adapted to be solely or principally used, for the purpose of swimming, wading, paddling or any other human aquatic activity,

and includes a spa pool, but does not include a spa bath, anything that is situated within a bathroom or anything declared by the regulations made under the *Swimming Pools Act 1992* not to be a swimming pool for the purposes of that Act.

take away food and drink premises means food and drink premises that are predominantly used for the preparation and sale of food or drink (or both) for immediate consumption away from the premises.

Tallawarra Power Station Buffer Area Map means the Wollongong Local Environmental Plan 2009 Tallawarra Power Station Buffer Area Map.

tank-based aquaculture means aquaculture utilising structures that are constructed from materials such as fibreglass, plastics, concrete, glass or metals, are usually situated either wholly or partly above ground, and may be contained within a purpose built farm or industrial style sheds or plastic covered hothouse to assist in controlling environmental factors.

telecommunications facility means:

- (a) any part of the infrastructure of a telecommunications network, or
(b) any line, equipment, apparatus, tower, mast, antenna, tunnel, duct, hole, pit, pole or other structure or thing used, or to be used, in or in connection with a telecommunications network.

telecommunications network means a system, or series of systems, that carries, or is capable of carrying, communications by means of guided or unguided electromagnetic energy, or both.

temporary structure has the same meaning as in the Act.

Note. The term is defined as follows:

temporary structure includes a booth, tent or other temporary enclosure (whether or not part of the booth, tent or enclosure is permanent), and also includes a mobile structure.

the Act means the *Environmental Planning and Assessment Act 1979*.

timber and building supplies means a building or place used for the display, sale (whether by retail or wholesale) or hire of goods or materials that are used in the construction and maintenance of buildings.

tourist and visitor accommodation means a building or place that provides temporary or short-term accommodation on a commercial basis, and includes hotel or motel accommodation, serviced apartments, bed and breakfast accommodation and backpackers' accommodation.

transport depot means a building or place used for the parking or servicing of motor powered or motor drawn vehicles used in connection with a passenger transport undertaking, business, industry or shop.

truck depot means a building or place used for the servicing and parking of trucks, earthmoving machinery and the like.

turf farming means the commercial cultivation of turf for sale and the removal of turf for that purpose.

urban release area means an area of land shown hatched and lettered “Urban Release Area” on the Urban Release Area Map.

Urban Release Area Map means the Wollongong Local Environmental Plan 2009 Urban Release Area Map.

vehicle body repair workshop means a building or place used for the repair of vehicles or agricultural machinery, involving body building, panel building, panel beating, spray painting or chassis restoration.

vehicle repair station means a building or place used for the purpose of carrying out repairs or the selling of, and fitting of accessories to, vehicles or agricultural machinery, but does not include a vehicle body repair workshop.

vehicle sales or hire premises means a building or place used for the display, sale (whether by retail or wholesale) or hire of motor vehicles, caravans, boats, trailers, agricultural machinery and the like, whether or not accessories are sold or displayed there.

veterinary hospital means a building or place used for diagnosing or surgically or medically treating animals, whether or not animals are kept on the premises for the purpose of treatment.

viticulture means the cultivation of grapes for commercial purposes for use in the production of fresh or dried fruit or wine.

warehouse or distribution centre means a building or place used mainly or exclusively for storing or handling items (whether goods or materials) pending their sale, but from which no retail sales are made.

waste disposal facility means a building or place used for the disposal of waste by landfill, incineration or other means, including such works or activities as recycling, resource recovery and other resource management activities, energy generation from gases, leachate management, odour control and the winning of extractive material to generate a void for disposal of waste or to cover waste after its disposal.

waste management facility means a facility used for the storage, treatment, purifying or disposal of waste, whether or not it is also used for the sorting, processing, recycling, recovering, use or reuse of material from that waste, and whether or not any such operations are carried out on a commercial basis. It may include but is not limited to:

- (a) an extractive industry ancillary to, required for or associated with the preparation or remediation of the site for such storage, treatment, purifying or disposal, and
- (b) eco-generating works ancillary to or associated with such storage, treatment, purifying or disposal.

waste or resource management facility means a waste or resource transfer station, a resource recovery facility or a waste disposal facility.

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waste or resource transfer station means a building or place used for the collection and transfer of waste material or resources, including the receipt, sorting, compacting, temporary storage and distribution of waste or resources and the loading or unloading of waste or resources onto or from road or rail transport.

water recreation structure means a structure used primarily for recreational purposes that has a direct structural connection between the shore and the waterway, and may include a pier, wharf, jetty or boat launching ramp.

water recycling facility means a building or place used for the treatment of sewage effluent, stormwater or waste water for use as an alternative supply to mains water, groundwater or river water (including, in particular, sewer mining works), whether the facility stands alone or is associated with other development, and includes associated:

- (a) retention structures, and
- (b) treatment works, and
- (c) irrigation schemes.

water reticulation system means a building or place used for the transport of water, including pipes, tunnels, canals, pumping stations, related electricity infrastructure, dosing facilities and water supply reservoirs.

water storage facility means a dam, weir or reservoir for the collection and storage of water, and includes associated monitoring or gauging equipment.

water supply system means a water reticulation system, water storage facility, water treatment facility, or any combination of these.

water treatment facility means a building or place used for the treatment of water (such as a desalination plant or a recycled or reclaimed water plant) whether the water produced is potable or not, and includes residuals treatment, storage and disposal facilities, but does not include a water recycling facility.

waterbody means a waterbody (artificial) or waterbody (natural).

waterbody (artificial) or **artificial waterbody** means an artificial body of water, including any constructed waterway, canal, inlet, bay, channel, dam, pond, lake or artificial wetland, but does not include a dry detention basin or other stormwater management construction that is only intended to hold water intermittently.

waterbody (natural) or **natural waterbody** means a natural body of water, whether perennial or intermittent, fresh, brackish or saline, the course of which may have been artificially modified or diverted onto a new course, and includes a river, creek, stream, lake, lagoon, natural wetland, estuary, bay, inlet or tidal waters (including the sea).

watercourse means any river, creek, stream or chain of ponds, whether artificially modified or not, in which water usually flows, either continuously or intermittently, in a defined bed or channel, but does not include a waterbody (artificial).

waterway means the whole or any part of a watercourse, wetland, waterbody (artificial) or waterbody (natural).

wetland means:

- (a) natural wetland, including marshes, mangroves, backwaters, billabongs, swamps, sedgelands, wet meadows or wet heathlands that form a shallow waterbody (up to 2 metres in depth) when inundated cyclically, intermittently or permanently with fresh, brackish or salt water, and where the inundation determines the type and productivity of the soils and the plant and animal communities, or
- (b) artificial wetland, including marshes, swamps, wet meadows, sedgelands or wet heathlands that form a shallow waterbody (up to 2 metres in depth) when inundated cyclically, intermittently or permanently with water, and are constructed and vegetated with wetland plant communities.

wholesale supplies means a building or place used for the display, sale or hire of goods or materials by wholesale only to businesses that have an Australian Business Number registered under the *A New Tax System (Australian Business Number) Act 1999* of the Commonwealth.

Wollongong city centre means the land identified on the Wollongong City Centre Map.

Wollongong City Centre Map means the Wollongong Local Environmental Plan 2009 Wollongong City Centre Map.

Wollongong Innovation Campus Map means the Wollongong Local Environmental Plan 2009 Wollongong Innovation Campus Map.