



New South Wales

Wollongong Local Environmental Plan 1990 (Amendment No 235)

under the

Environmental Planning and Assessment Act 1979

I, the Minister for Planning, make the following local environmental plan under the *Environmental Planning and Assessment Act 1979*. (W03/00175/PC)

FRANK SARTOR, M.P.,
Minister for Planning

2006 No 193

Clause 1 Wollongong Local Environmental Plan 1990 (Amendment No 235)

Wollongong Local Environmental Plan 1990 (Amendment No 235)

under the

Environmental Planning and Assessment Act 1979

1 Name of plan

This plan is *Wollongong Local Environmental Plan 1990 (Amendment No 235)*.

2 Aim of plan

The aim of this plan is to amend *Wollongong Local Environmental Plan 1990 (the 1990 plan)* so as:

- (a) to update the references to State legislation and statutory authorities, and
- (b) to update the meaning of a number of definitions to clarify their intent, and
- (c) to introduce the definitions of *aquaculture, bed and breakfast accommodation, car park, child care centre, demolition, ecotourism facility, flood prone land* and *high-tech industry*, and
- (d) to improve the readability of the development control table, and
- (e) to update the list of activities that can be undertaken by the City of Wollongong Council without development consent, and
- (f) to update the heritage provisions to reflect the NSW Heritage Office's model heritage local environmental plan provisions, and
- (g) to clarify the provisions for the classification and reclassification of public land, and
- (h) to introduce provisions for the development of flood prone land, and
- (i) to introduce subdivision provisions for some zones, and
- (j) to update the heritage significance of 2 properties in Schedule 1, and
- (k) to delete out-of-date "additional use" provisions in Schedule 2, and

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- (l) to update the zoning boundaries of land managed by the Department of Environment and Conservation on the map supporting the 1990 plan, and
 - (m) to reclassify a number of Council-owned sites from operational land to community land, and
 - (n) to make minor amendments to the map supporting the 1990 plan.

3 Land to which plan applies

This plan applies to all land in the City of Wollongong under *Wollongong Local Environmental Plan 1990*.

4 Amendment of Wollongong Local Environmental Plan 1990

Wollongong Local Environmental Plan 1990 is amended as set out in Schedule 1.

Schedule 1 Amendments

(Clause 4)

[1] Clause 6 Definitions

Omit the definitions of *archaeological site*, *boarding-house*, *brothel*, *camp or caravan site*, *educational establishment*, *granny flat*, *heavy industry*, *heritage item*, *home employment*, *hospital*, *institution*, *intensive agriculture*, *light industry*, *main road*, *mine*, *sex shop* and *transport terminal* from clause 6 (1).

[2] Clause 6 (1)

Insert in alphabetical order:

aquaculture means:

- (a) cultivating fish or marine vegetation for the purpose 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.

archaeological site means the site of one or more relics.

bed and breakfast accommodation means the use of a dwelling-house, part of a dwelling-house, or any ancillary building to a dwelling-house, for the purpose of offering short term (maximum of one month) paid accommodation and homestyle hospitality to visitors, by the permanent residents of the dwelling-house, where:

- (a) a maximum of 2 bedrooms are used for that use, and
- (b) the number of occupants of the establishment, including the permanent occupants, does not exceed 7 at any one time, and
- (c) breakfast is available for visitors.

boarding-house includes a house let in lodgings or a hostel, but does not include a motel or bed and breakfast accommodation.

brothel means premises habitually used for the purposes of prostitution or designed for that purpose. Premises may constitute a brothel even though used by only one prostitute for the purposes of prostitution and includes a sex-on-premises establishment.

camp or caravan site means a site used for the purpose of placing moveable dwellings (within the meaning of the *Local Government Act 1993*) for permanent accommodation or for temporary accommodation for tourists, whether or not the site is also used for the erection, assembly or placement of cabins for temporary accommodation for tourists.

car park means a building or place primarily used for the purpose of parking motor vehicles, whether operated for gain or not.

child care centre means a building or place which is used (whether or not for profit) for the purpose of educating, minding or caring for children (whether or not any of the children are related to the owner or operator), but only if the following conditions are satisfied:

- (a) the children number 6 or more,
- (b) the children are under 6 years of age,
- (c) the building or place does not provide residential care for any of the children (other than those related to the owner or operator).

demolition has the same meaning as in the Act and, for the purpose of removal of doubt, includes the destruction, dismantling or moving of all or part of a building or work.

ecotourism facility means any nature-based tourism, educational or interpretative facility that is constructed and managed so as to be ecologically sustainable and without detrimental impact on the ecology of the locality. It may include some form of guest accommodation (but not a caravan park), facilities for provision of meals and a manager's residence.

educational establishment means a building or place used for education such as teaching, and includes the following:

- (a) a school,
- (b) a tertiary institution, being a university, teachers' college, technical college, TAFE establishment or other tertiary college providing formal education which is constituted by or under an Act,

2006 No 193

Wollongong Local Environmental Plan 1990 (Amendment No 235)

Schedule 1 Amendments

- (c) an art gallery or museum, not used to sell the items displayed in the art gallery or museum,

whether or not accommodation for staff or students is provided and whether or not conducted for the purpose of gain.

filling means the depositing of soil, rock or other material obtained from a site outside the property boundaries of a lot of land on which it is deposited, but does not include the depositing of topsoil, or feature rock imported to the lot, that is intended for use in garden landscaping, turf or garden bed establishment or topdressing of lawns.

flood prone land means land indicated as flood prone on the map marked “Wollongong Local Environmental Plan 1990 (Amendment No 235)—Flood Prone Land Map”.

granny flat means the smaller of 2 dwellings, where:

- (a) the dwellings are both on the same lot and no other dwelling is on that lot, and
- (b) the smaller dwelling has a floor space which is less than 55 square metres or half that of the larger dwelling, whichever is the smaller, and
- (c) at least one of the dwellings is occupied by the owner of the lot on which the dwellings stand.

heavy industry means an industry other than an extractive or light industry, and includes a hazardous or offensive industry that is not an extractive or light industry.

heritage impact statement means a document consisting of a statement demonstrating the heritage significance of a heritage item or heritage conservation area, or of a building, work, archaeological site, tree or place within a heritage conservation area, an assessment of the impact that proposed development will have on that significance and proposals for measures to minimise that impact.

heritage item means a building, work, archaeological site, tree or place listed in Schedule 1 and the site of which is described in Schedule 1 and shown edged heavy black or edged broken heavy black on the heritage map.

high-tech industry means an enterprise (including an enterprise carried out in a laboratory or testing facility) which has as its primary function the manufacture, development, production, processing, assembly of, or research into:

- (a) electronic and micro-electronic systems, goods or components, or
- (b) computer software or hardware, or

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- (c) instrumentation or instruments, or
 - (d) communication and telecommunication systems, goods or components, or
 - (e) biological, pharmaceutical, medical or paramedical systems, goods or components, or
 - (f) other goods, systems or components intended for use in science and technology.

home employment means an occupation which is carried on in, or from a dwelling, or within or from the curtilage of a dwelling-house or residential flats, by the permanent residents of the dwelling, and that does not involve any of the following:

- (a) the employment on the premises of persons other than those residents,
- (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, or otherwise,
- (c) the display of goods, whether in a window or otherwise,
- (d) the exhibition of any notice, advertisement or sign (other than a notice, advertisement or sign exhibited to indicate the name and occupation of those residents),
- (e) the use of premises as a brothel or bed and breakfast accommodation.

hospital means a building or place used as a hospital, sanatorium, health centre or nursing home, whether public or private, and which may contain accommodation for seniors, infirm persons, incurable persons or convalescent persons and a shop or dispensary used in conjunction with it, but does not include an institution.

institution means:

- (a) a residential centre for persons who have disabilities within the meaning of the *Disability Services Act 1993*, or
- (b) a hospital within the meaning of the *Mental Health Act 1990*, or
- (c) a correctional centre, correctional complex or periodic detention centre within the meaning of the *Crimes (Administration of Sentences) Act 1999*, or
- (d) a detention centre within the meaning of the *Children (Detention Centres) Act 1987*.

2006 No 193

Wollongong Local Environmental Plan 1990 (Amendment No 235)

Schedule 1 Amendments

intensive agriculture means a building or place used for:

- (a) cultivating fruit, vegetable, mushroom, nut or flower crops, or
- (b) keeping or breeding livestock, bees or poultry, or
- (c) cultivating plants in a wholesale plant nursery, or
- (d) breeding, boarding, training, keeping or caring for animals, or
- (e) aquaculture,

for commercial purposes.

light industry means an industry (including processes carried out in a laboratory), 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.

main road means a road proclaimed to be a main road under the *Roads Act 1993*, and includes a work declared to be a tollway under that Act.

mine means any place which requires the winning or removal of any material pursuant to the *Mining Act 1992*, or the *Petroleum (Onshore) Act 1991*, and includes the storage and primary processing of the material obtained.

place of Aboriginal heritage significance means:

- (a) 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.

potential place of Aboriginal heritage significance means a place that, in the opinion of the consent authority, has the potential to have Aboriginal heritage significance.

restricted premises means a building or place, other than newsagencies and pharmacies, primarily used for the purposes of business premises in which:

- (a) Category 1 and Category 2 restricted publications under the *Classification (Publications, Films and Computer Games) Act 1995* of the Commonwealth are shown, exhibited, displayed, sold or otherwise rendered accessible or available to the public, or
- (b) articles, materials, compounds, preparations, devices or other things that are primarily concerned with, or used or intended to be used in connection with sexual behaviour are sold or otherwise rendered accessible or available for the public, or
- (c) a business to which section 578E of the *Crimes Act 1900* applies is conducted.

seniors means people of or over 55 years of age.

seniors housing means residential accommodation that is, or is intended to be, used permanently by seniors or people with a disability consisting of:

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

but does not include a hospital.

transport terminal means:

- (a) a building or place used for the assembly, parking or storage of motor powered or motor drawn vehicles used in connection with a passenger transport undertaking, or
- (b) a building or place used as an airline terminal, a road transport terminal, a bus station or a bus depot, but does not include a bus stop, train station, bus/rail interchange or heliport.

waste management facilities or works means any premises used for the storage, treatment, reprocessing, recycling, sorting or the disposal of waste.

[3] Clause 6 (1), definition of “heritage map”

Insert in appropriate order:

Wollongong Local Environmental Plan 1990 (Amendment No 235)—Heritage Map

2006 No 193

Wollongong Local Environmental Plan 1990 (Amendment No 235)

Schedule 1 Amendments

[4] Clause 6 (1), definition of “the map”

Insert in appropriate order:

Wollongong Local Environmental Plan 1990 (Amendment No 235)—Zoning Map

[5] Clause 8 Zones indicated on the map

Omit the following:

Zone No 8 (a) (National Parks Zone)—lettered “8 (a)”

Zone No 8 (b) (State Recreation Areas Zone)—lettered “8 (b)”

Insert instead:

Zone No 8 (a) (National Parks, State Conservation Areas and Nature Reserves Zone)—lettered “8 (a)”

Zone No 8 (b) (National Parks, State Conservation Areas and Nature Reserves (Proposed) Zone)—lettered “8 (b)”

[6] Clause 9 Zone objectives and development control table

Omit clause 9 (2). Insert instead:

- (2) Except as provided otherwise by this plan, the development on land within a zone:
 - (a) that may be carried out without development consent, and
 - (b) that may be carried out only with development consent, and
 - (c) that may be carried out only with development consent granted in accordance with clause 11 to a development application that has been advertised as is required for designated development, and
 - (d) that is prohibited,is specified in the Table to this clause under the headings “Without development consent”, “Only with development consent”, “Only with development consent granted after advertising and satisfying clause 11” and “Prohibited”, respectively, appearing in the matter relating to the zone.

[7] Clause 9, Table

Omit the Table. Insert instead:

Table

Zone No 1 (Non-Urban Zone)

1 Objectives of zone

The objectives of the zone are:

- (a) to provide a rural atmosphere on the outskirts of the City of Wollongong and to act as a reservoir from which land suitable for:
 - (i) urban development to cater for planned natural urban growth, or
 - (ii) environmental protection, can be drawn, and
- (b) to allow agricultural and peri-urban pursuits which are not likely to:
 - (i) inhibit or prejudice the present environmental quality or future development potential of the land, or
 - (ii) lead to a demand for further public services or render them more difficult or expensive to provide once urban development takes place.

2 Without development consent

Development for the purpose of:
agriculture.
Exempt development.

3 Only with development consent

Development for the purpose of:
advertisements; bed and breakfast accommodation; child care centres; community facilities; cottage industries; dwelling-houses; ecotourism facilities; educational establishments; extractive industries; forestry; granny flats; home employment; hospitals; institutions; intensive agriculture; leisure areas; licensed premises; mines;

2006 No 193

Wollongong Local Environmental Plan 1990 (Amendment No 235)

Schedule 1 Amendments

places of worship; recreation areas; recreation facilities; service stations; transport terminals; truck or heavy machinery sale yards; utility installations.

4 Only with development consent granted after advertising and satisfying clause 11

Development for the purpose of:

boarding-houses; camp or caravan sites; health consulting rooms; helicopter landing sites; industries; motels; registered clubs; restaurants; waste management facilities or works.

5 Prohibited

Any development not included in item 2, 3 or 4.

Zone No 2 (a) (Low Density Residential Zone)

1 Objectives of zone

The objectives of the zone are:

- (a) to provide land primarily for detached housing with gardens in an environment free from commercial and unsympathetic activities and buildings, and
- (b) to allow some diversity of activities and housing types provided:
 - (i) densities, scale and height are comparable to those of detached housing, and
 - (ii) there is little increase in traffic generation, and
 - (iii) there will be no significant detracting from the character of the locality or the amenity of any existing or proposed development nearby.

2 Without development consent

Exempt development.

3 Only with development consent

Development for the purpose of:

advertisements; bed and breakfast accommodation; child care centres; community facilities; cottage industries; dual occupancies; dwelling-houses; educational

establishments; granny flats; home employment; leisure areas; recreation areas; residential flats; seniors housing; utility installations.

4 Only with development consent granted after advertising and satisfying clause 11

Development for the purpose of:

boarding-houses; camp or caravan sites; commercial premises; ecotourism facilities; health consulting rooms; hospitals; institutions; licensed premises; places of worship; recreation facilities; registered clubs; restaurants; service stations; serviced apartments; shops.

5 Prohibited

Any development not included in item 2, 3 or 4.

Zone No 2 (a1) (Special Low Density Residential Zone)

1 Objectives of zone

The objectives of the zone are:

- (a) to cater for residential development in selected areas affected by environmental hazards, a limited supply of infrastructure or a lack of adequate utility services, and
- (b) to allow some diversity of activities that will not prejudice achievement of the objective referred to in paragraph (a) or detrimentally affect the environmental quality or character of the locality or the amenity of the locality.

2 Without development consent

Exempt development.

3 Only with development consent

Development for the purpose of:

advertisements; bed and breakfast accommodation; child care centres; community facilities; cottage industries; dwelling-houses; educational establishments; granny flats; home employment; leisure areas; recreation areas; recreation facilities; seniors housing; utility installations.

2006 No 193

Wollongong Local Environmental Plan 1990 (Amendment No 235)

Schedule 1 Amendments

4 Only with development consent granted after advertising and satisfying clause 11

Development for the purpose of:

boarding-houses; commercial premises; ecotourism facilities; health consulting rooms; institutions; places of worship; service stations.

5 Prohibited

Any development not included in item 2, 3 or 4.

Zone No 2 (b) (Medium Density Residential Zone)

1 Objectives of zone

The objectives of the zone are:

- (a) to cater for a wide range of housing types, essentially domestic in scale and character, and
- (b) to allow for a range of residential densities and for urban consolidation in appropriate locations, and
- (c) to allow some diversity of activities and densities provided:
 - (i) scale and height are comparable to those of the locality, and
 - (ii) there is little increase in traffic generation, and
 - (iii) there will be no significant detracting from the character of the locality or the amenity of any existing or proposed development nearby.

2 Without development consent

Exempt development.

3 Only with development consent

Development for the purpose of:

advertisements; bed and breakfast accommodation; boarding-houses; child care centres; community facilities; cottage industries; dual occupancies; dwelling-houses; educational establishments; granny flats; health consulting rooms; home employment; hospitals; leisure areas; motels; places of worship; recreation areas; residential flats; seniors housing; utility installations.

4 Only with development consent granted after advertising and satisfying clause 11

Development for the purpose of:

camp or caravan sites; commercial premises; ecotourism facilities; forestry; institutions; recreation facilities; registered clubs; restaurants; service stations; serviced apartments; shops; transport terminals; truck or heavy machinery sale yards; warehouses.

5 Prohibited

Any development not included in item 2, 3 or 4.

Zone No 2 (c) (High Density Residential Zone)

1 Objectives of zone

The objectives of the zone are:

- (a) to allow for high density residential development close to the regional centre, and
- (b) to allow some diversity of activities and densities provided:
 - (i) scale and height are comparable with those in the locality, and
 - (ii) there is little increase in traffic generation, and
 - (iii) there will be no significant detracting from the character of the locality or the amenity of any existing or proposed development nearby.

2 Without development consent

Exempt development.

3 Only with development consent

Development for the purpose of:

advertisements; bed and breakfast accommodation; boarding-houses; child care centres; community facilities; cottage industries; dual occupancies; dwelling-houses; educational establishments; granny flats; health consulting rooms; home employment; hospitals; leisure areas; motels; places of worship; recreation areas; residential flats; seniors housing; serviced apartments; utility installations.

2006 No 193

Wollongong Local Environmental Plan 1990 (Amendment No 235)

Schedule 1 Amendments

4 Only with development consent granted after advertising and satisfying clause 11

Development for the purpose of:

camp or caravan sites; commercial premises; ecotourism facilities; extractive industries; forestry; institutions; licensed premises; recreation facilities; registered clubs; restaurants; service stations; shops; transport terminals; truck or heavy machinery sale yards; warehouses.

5 Prohibited

Any development not included in item 2, 3 or 4.

Zone No 3 (a) (General Business Zone)

1 Objectives of zone

The objectives of the zone are:

- (a) to focus and consolidate retail and business development in accessible locations, and
- (b) to allow other development if it will not prejudice achievement of the objective referred to in paragraph (a) or significantly detract from the character of the locality or the operation of any existing or proposed development nearby.

2 Without development consent

Exempt development.

3 Only with development consent

Development for the purpose of:

advertisements; bed and breakfast accommodation; boarding-houses; bulky goods sales rooms or showrooms; car parks; child care centres; commercial premises; community facilities; cottage industries; dual occupancies; dwelling-houses; ecotourism facilities; educational establishments; granny flats; health consulting rooms; high-tech industries; home employment; leisure areas; licensed premises; light industrial retail outlets; light industries; motels; places of worship; recreation areas; recreation facilities; registered clubs; residential flats; restaurants; restricted premises; seniors housing; service stations; serviced apartments; shops; transport terminals; truck or heavy machinery sale yards; utility installations; warehouses.

4 Only with development consent granted after advertising and satisfying clause 11

Development for the purpose of:
helicopter landing sites; hospitals; institutions.

5 Prohibited

Any development not included in item 2, 3 or 4.

Zone No 3 (b) (Neighbourhood Business Zone)

1 Objectives of zone

The objectives of the zone are:

- (a) to allow for businesses and neighbourhood activities that serve the local community and are limited in scale, and
- (b) to allow some diversity of activities of densities, scale and height comparable with those of the locality, and with little increase in traffic generation, that will not prejudice achievement of the objective referred to in paragraph (a) or significantly detract from the character of the locality or the amenity of any existing or proposed development nearby.

2 Without development consent

Exempt development.

3 Only with development consent

Development for the purpose of:

advertisements; bed and breakfast accommodation; boarding-houses; bulky goods sales rooms or showrooms; car parks; child care centres; commercial premises; community facilities; cottage industries; dual occupancies; dwelling-houses; educational establishments; granny flats; health consulting rooms; high-tech industries; home employment; leisure areas; licensed premises; light industrial retail outlets; motels; places of worship; recreation areas; recreation facilities; registered clubs; residential flats; restaurants; restricted premises; seniors housing; service stations; serviced apartments; shops; truck or heavy machinery sale yards; utility installations.

2006 No 193

Wollongong Local Environmental Plan 1990 (Amendment No 235)

Schedule 1 Amendments

4 Only with development consent granted after advertising and satisfying clause 11

Development for the purpose of:

ecotourism facilities; hospitals; institutions; light industries; transport terminals; warehouses.

5 Prohibited

Any development not included in item 2, 3 or 4.

Zone No 3 (c) (Regional Business Zone)

1 Objectives of zone

The objectives of the zone are:

- (a) to promote development that results in the growth of Wollongong Central Business District as the regional centre, and
- (b) to allow other development if it will not prejudice achievement of the objective referred to in paragraph (a) or significantly detract from the character of the locality or the operation of any existing or proposed development nearby.

2 Without development consent

Exempt development.

3 Only with development consent

Development for the purpose of:

advertisements; boarding-houses; bulky goods sales rooms or showrooms; car parks; child care centres; commercial premises; community facilities; cottage industries; dual occupancies; dwelling-houses; ecotourism facilities; educational establishments; granny flats; health consulting rooms; high-tech industries; home employment; leisure areas; licensed premises; light industrial retail outlets; light industries; motels; places of worship; recreation areas; recreation facilities; registered clubs; residential flats; restaurants; restricted premises; seniors housing; service stations; serviced apartments; shops; transport terminals; truck or heavy machinery sale yards; utility installations; warehouses.

4 Only with development consent granted after advertising and satisfying clause 11

Development for the purpose of:

helicopter landing sites; hospitals; industries (other than light industries); institutions.

5 Prohibited

Any development not included in item 2, 3 or 4.

Zone No 3 (d) (Commercial Services Zone)

1 Objectives of zone

The objectives of the zone are:

- (a) to allow for large scale sale rooms or showrooms trading in bulky goods and small scale services, which are not establishments normally found in a business area, to locate close to business areas, and
- (b) to allow some diversity of activities that will not prejudice achievement of the objective referred to in paragraph (a) or significantly detract from the character of the locality or the operation of any existing or proposed development in the locality.

2 Without development consent

Exempt development.

3 Only with development consent

Development for the purpose of:

advertisements; brothels; bulky goods sales rooms or showrooms; camp or caravan sites; car parks; child care centres; commercial premises; community facilities; cottage industries; dual occupancies; dwelling-houses; ecotourism; educational establishments; granny flats; health consulting rooms; high-tech industries; home employment; leisure areas; licensed premises; light industrial retail outlets; light industries; motels; recreation areas; recreation facilities; registered clubs; residential flats; restaurants; restricted premises; service stations; serviced apartments; transport terminals; truck or heavy machinery sale yards; utility installations; warehouses.

2006 No 193

Wollongong Local Environmental Plan 1990 (Amendment No 235)

Schedule 1 Amendments

4 Only with development consent granted after advertising and satisfying clause 11

Development for the purpose of:

boarding-houses; helicopter landing sites; hospitals; industries (other than light industries); institutions; places of worship; shops.

5 Prohibited

Any development not included in item 2, 3 or 4.

Zone No 3 (e) (Research and Development Business Zone)

1 Objectives of zone

The objectives of the zone are:

- (a) to permit the establishment of the “Wollongong Innovation Campus”, which comprises a research and development campus, hotel, student and campus-related residential accommodation and necessary support services and facilities on the land, and
- (b) to provide a purpose-built area where enterprises that carry out research and development as an integral part of their operations can be located, and
- (c) to promote and foster the establishment of collaborative research and development between users of land within the Wollongong Innovation Campus and the University of Wollongong and other enterprises in the Illawarra region, and
- (d) to facilitate practical links between the University of Wollongong’s research activities and initiatives of the business community, and
- (e) to encourage development of land in the zone to proceed in an orderly manner consistent with a master plan adopted by the Director-General for the site, and
- (f) to ensure that the development of land in the zone 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, and

- (g) to ensure that development in the zone is in harmony with the landscape quality of the coastal and foreshore setting, and
- (h) to permit the provision of University-related facilities including student and campus-related residential accommodation and support services, incidental or ancillary to research and development activities on the land.

2 Without development consent

Exempt development.

3 Only with development consent

Development for the purpose of:

advertisements; boarding-houses; business signs; commercial premises; commercial signs; community facilities; child care centres; dwelling-houses; educational establishments; health consulting rooms; helicopter landing sites; high-tech industries; hospitals; leisure areas; licensed premises; light industries; motels; places of worship; real estate signs; recreation areas; recreation facilities; registered clubs; residential flats; restaurants; serviced apartments; shops; utility installations; warehouses.

4 Only with development consent granted after advertising and satisfying clause 11

Nil.

5 Prohibited

Any development not included in item 2, 3 or 4.

Zone No 4 (a) (Light Industrial Zone)

1 Objectives of zone

The objectives of the zone are:

- (a) to cater for a wide range of manufacturing and service activities that will not interfere with the amenity of nearby residents, and

2006 No 193

Wollongong Local Environmental Plan 1990 (Amendment No 235)

Schedule 1 Amendments

- (b) to allow some diversity of activities that will not prejudice achievement of the objective referred to in paragraph (a) or significantly detract from the operation of existing or proposed manufacturing and service industries or the amenity of nearby residents.

2 Without development consent

Exempt development.

3 Only with development consent

Development for the purpose of:

advertisements; brothels; cottage industries; dwellings (used in conjunction with industry and situated on land on which the industry is located); forestry; high-tech industries; leisure areas; light industries; mines; recreation areas; recreation facilities; service stations; transport terminals; truck or heavy machinery sale yards; utility installations; warehouses.

4 Only with development consent granted after advertising and satisfying clause 11

Development for the purpose of:

aquaculture; bulky goods sales rooms or showrooms; camp or caravan sites; car parks; child care centres; community facilities; educational establishments; health consulting rooms; helicopter landing sites; hospitals; industries (other than light industries); institutions; intensive agriculture; light industrial retail outlets; motels; places of worship; registered clubs; restaurants; shops (necessary to service the industry within the zone); turf farming; waste management facilities or works.

5 Prohibited

Any development not included in item 2, 3 or 4.

Zone No 4 (b) (Heavy Industrial Zone)

1 Objectives of zone

The objectives of the zone are:

- (a) to provide suitable areas for those industrial enterprises that should be kept well away from residential neighbourhoods, and

- (b) to make the best use of public utilities and infrastructure required by substantial enterprises, and
- (c) to allow some diversity of activities that will not prejudice achievement of the objectives referred to in paragraphs (a) and (b) or significantly detract from the operation of existing or proposed industrial enterprises.

2 Without development consent

Exempt development.

3 Only with development consent

Development for the purpose of:

advertisements; community facilities; cottage industries; dwellings (used in conjunction with industry and situated on land on which the industry is located); forestry; helicopter landing sites; high-tech industries; industries; intensive agriculture; leisure areas; light industries; mines; service stations; transport terminals; truck or heavy machinery sale yards; utility installations; warehouses; waste management facilities or works.

4 Only with development consent granted after advertising and satisfying clause 11

Development for the purpose of:

car parks; child care centres; educational establishments; heliports; light industrial retail outlets; recreation areas; recreation facilities; restaurants; shops (necessary to service the industry within the zone); turf farming.

5 Prohibited

Any development not included in item 2, 3 or 4.

Zone No 4 (c) (Extractive Industrial Zone)

1 Objectives of zone

The objectives of the zone are:

- (a) to manage the extractive and landfill resources of the City of Wollongong in a co-ordinated manner to meet community needs while ensuring that adverse impact on the environment and the community are minimal, and

2006 No 193

Wollongong Local Environmental Plan 1990 (Amendment No 235)

Schedule 1 Amendments

- (b) to ensure that development proposals for land containing extractive resources are assessed in relation to the potential problem of rendering those resources unavailable.

2 Without development consent

Exempt development.

3 Only with development consent

Development for the purpose of:
advertisements; extractive industries; forestry; intensive agriculture; leisure areas; mines; utility installations.

4 Only with development consent granted after advertising and satisfying clause 11

Development for the purpose of:
recreation facilities; turf farming.

5 Prohibited

Any development not included in item 2, 3 or 4.

Zone No 5 (Special Uses Zone)

1 Objectives of zone

The objective of the zone is to cater for the provision of community and public facilities and services.

2 Without development consent

Exempt development.

3 Only with development consent

Development for the purpose of:
advertisements; car parking; community facilities; such buildings, works, places or land uses specified in the Table to clause 15 as are marked or lettered for the land on the map; utility installations.

4 Only with development consent granted after advertising and satisfying clause 11

Development for the purpose of:

agriculture; boarding-houses; bulky goods sales room or showrooms; camp or caravan sites; commercial premises; cottage industries; dual occupancies; dwelling-houses; ecotourism facilities; extractive industries; forestry; granny flats; health consulting rooms; helicopter landing sites; heliports; home employment; industries; institutions; intensive agriculture; leisure areas; licensed premises; light industrial retail outlets; light industries; mines; motels; recreation areas; recreation facilities; registered clubs; residential flats; restaurants; service stations; serviced apartments; shops; transport terminals; truck or heavy machinery sale yards; turf farming; warehouses.

5 Prohibited

Any development not included in item 2, 3 or 4.

Zone No 6 (a) (Public Recreation Zone)

1 Objectives of zone

The objectives of the zone are:

- (a) to identify areas where recreation facilities for the general use of the community for active and passive recreation may be developed, and
- (b) to cater for the development of a wide range of facilities for the benefit of nearby communities.

2 Without development consent

Development for the purpose of:

leisure areas.

Exempt development.

3 Only with development consent

Development for the purpose of:

advertisements; camp or caravan sites; car parks; child care centres; community facilities; educational establishments; forestry; recreation areas; recreation facilities; registered clubs; restaurants; utility installations.

2006 No 193

Wollongong Local Environmental Plan 1990 (Amendment No 235)

Schedule 1 Amendments

4 Only with development consent granted after advertising and satisfying clause 11

Development for the purpose of:

ecotourism facilities; helicopter landing sites; intensive agriculture.

5 Prohibited

Any development not included in item 2, 3 or 4.

Zone No 6 (b) (Private Recreation Zone)

1 Objectives of zone

The objectives of the zone are:

- (a) to identify areas where private recreation facilities are and may be developed, and
- (b) to allow some diversity of activities that will not prejudice achievement of the objective referred to in paragraph (a) or significantly detract from the character of the locality or the amenity of any existing or proposed development in the locality.

2 Without development consent

Exempt development.

3 Only with development consent

Development for the purpose of:

advertisements; bed and breakfast accommodation; camp or caravan sites; car parks; dwellings (used in conjunction with a land use for which development consent is required and situated on the land on which the land use is carried out); intensive agriculture; leisure areas; recreation areas; recreation facilities; registered clubs; utility installations.

4 Only with development consent granted after advertising and satisfying clause 11

Development for the purpose of:

child care centres; ecotourism facilities; educational establishments; motels; places of worship; restaurants.

5 Prohibited

Any development not included in item 2, 3 or 4.

Zone No 6 (c) (Tourism Zone)

1 Objectives of zone

The objectives of the zone are:

- (a) to identify areas of, and encourage tourist orientated development in, designated tourism precincts, and
- (b) to allow some diversity of activities that will not prejudice achievement of the objective referred to in paragraph (a) or significantly detract from the character of the locality or the amenity of any existing or proposed development in the locality.

2 Without development consent

Exempt development.

3 Only with development consent

Development for the purpose of:

advertisements; bed and breakfast accommodation; boarding-houses; business signs; camp or caravan sites; car parks; child care centres; community facilities; cottage industries; ecotourism facilities; educational establishments; home employment; leisure areas; licensed premises; motels; recreation areas; recreation facilities; registered clubs; restaurants; serviced apartments; transport terminals; utility installations.

4 Only with development consent granted after advertising and satisfying clause 11

Development for the purpose of:

bulky goods sales rooms or showrooms; commercial premises or shops (principally servicing tourists); dual occupancies; dwellings-houses; places of worship.

5 Prohibited

Any development not included in item 2, 3 or 4.

2006 No 193

Wollongong Local Environmental Plan 1990 (Amendment No 235)

Schedule 1 Amendments

Zone No 7 (a) (Special Environmental Protection Zone)

1 Objectives of zone

The objectives of the zone are:

- (a) to protect environmentally important land having special aesthetic, ecological or conservational value, and
- (b) to identify and protect the foreshore environment that enhances the visual amenity and possesses ecological or conservational value, and
- (c) to identify and protect land forming part of the catchment areas for water supply, and
- (d) to allow some diversity of activities on degraded land that will not prejudice achievement of the objectives referred to in paragraphs (a), (b) and (c) or significantly detract from the environmental or visual quality or character of the locality or the amenity or operation of any existing or proposed development in the locality.

2 Without development consent

Development for the purpose of any building, work, place or land use associated with the protection, enhancement and supply of water by the Sydney Catchment Authority and any purpose ordinarily incidental or subsidiary to such a purpose.

Exempt development.

3 Only with development consent

Development for the purpose of:

advertisements; leisure areas; mines; utility installations.

4 Only with development consent granted after advertising and satisfying clause 11

Development for the purpose of:

agriculture; buildings used in conjunction with agriculture; forestry.

5 Prohibited

Any development not included in item 2, 3 or 4.

Zone No 7 (b) (Environmental Protection Conservation Zone)

1 Objectives of zone

The objectives of the zone are:

- (a) to identify, protect and enhance areas that have special conservational, aesthetic or scenic qualities that enhance the environment, and
- (b) to identify and protect escarpment areas that enhance the visual amenity and possess special aesthetic or conservational value, and
- (c) to allow some diversity of activities on degraded land that will not prejudice achievement of the objectives referred to in paragraphs (a) and (b) or significantly detract from the environmental or visual quality or character of the locality or the amenity or operation of any existing or proposed development in the locality.

2 Without development consent

Exempt development.

3 Only with development consent

Development for the purpose of:

advertisements; dwelling-houses; ecotourism facilities; granny flats; home employment; leisure areas; utility installations.

4 Only with development consent granted after advertising and satisfying clause 11

Development for the purpose of:

agriculture; buildings used in conjunction with agriculture; child care centres; educational establishments; mines; recreation areas; restaurants.

5 Prohibited

Any development not included in item 2, 3 or 4.

2006 No 193

Wollongong Local Environmental Plan 1990 (Amendment No 235)

Schedule 1 Amendments

Zone No 7 (c) (Environmental Protection Residential Zone)

1 Objectives of zone

The objectives of the zone are:

- (a) to cater for limited residential and village development in selected areas possessing special environmental qualities or that may be affected by environmental hazards, and
- (b) to allow some diversity of activities that will not prejudice achievement of the objective referred to in paragraph (a) or detrimentally affect the environmental quality or character of the locality or the amenity of any existing or proposed development in the locality.

2 Without development consent

Exempt development.

3 Only with development consent

Development for the purpose of:

advertisements; bed and breakfast accommodation; child care centres; cottage industries; dwelling-houses; ecotourism facilities; educational establishments; granny flats; home employment; leisure areas; recreation areas; utility installations.

4 Only with development consent granted after advertising and satisfying clause 11

Development for the purpose of:

commercial premises; community facilities; health consulting rooms; hospitals; institutions; intensive agriculture; licensed premises; motels; places of worship; recreation facilities; restaurants; shops.

5 Prohibited

Any development not included in item 2, 3 or 4.

Zone No 7 (c1) (Environmental Protection Rural Residential Zone)

1 Objectives of zone

The objectives of the zone are:

- (a) to provide for rural residential development to occur in the City of Wollongong, and
- (b) to ensure that such development is an effective transition between urban development and environmentally sensitive land such as the escarpment fringe, and
- (c) to enable a limited range of buildings and land uses that are compatible with adjoining environmentally sensitive land, and
- (d) to ensure that any development is accompanied by significant environmental enhancement.

2 Without development consent

Exempt development.

3 Only with development consent

Development for the purpose of:

agriculture (including ancillary buildings); bed and breakfast accommodation; cottage industries; dwelling-houses; ecotourism facilities; home employment; intensive agriculture; leisure areas; mines; recreation areas; utility installations.

4 Only with development consent granted after advertising and satisfying clause 11

Nil.

5 Prohibited

Any development not included in item 2, 3 or 4.

2006 No 193

Wollongong Local Environmental Plan 1990 (Amendment No 235)

Schedule 1 Amendments

Zone No 7 (d) (Hacking River Environmental Protection Zone)

1 Objectives of zone

The objectives of the zone are:

- (a) to identify and protect the conservation value of the relatively pristine tributaries of the Hacking River Catchment and thereby safeguard the natural qualities of the area to complement the Royal National Park, and
- (b) to allow some diversity of activities on degraded land that will not prejudice achievement of the objective referred to in paragraph (a) or detrimentally affect the environmental quality or character of the locality or the amenity of any existing or proposed development in the locality.

2 Without development consent

Exempt development.

3 Only with development consent

Development for the purpose of:

advertisements; dwelling-houses; home employment; leisure areas; utility installations.

4 Only with development consent granted after advertising and satisfying clause 11

Development for the purpose of:

agriculture; buildings used in conjunction with agriculture; child care centres; educational establishments; mines; recreation areas; restaurants.

5 Prohibited

Any development not included in item 2, 3 or 4.

Zone No 8 (a) (National Parks, State Conservation Areas and Nature Reserves Zone)

1 Objectives of zone

The objectives of the zone are:

- (a) to identify land that is reserved or dedicated under the *National Parks and Wildlife Act 1974*, and

- (b) to allow for the management and appropriate use of that land as provided for in the *National Parks and Wildlife Act 1974*.

2 Without development consent

Any development authorised by or under the *National Parks and Wildlife Act 1974*, and any development incidental or ancillary to such a land use.

3 Only with development consent

Nil.

4 Only with development consent granted after advertising and satisfying clause 11

Nil.

5 Prohibited

Any development not included in item 2, 3 or 4.

Zone No 8 (b) (National Parks, State Conservation Areas and Nature Reserves (Proposed) Zone)

1 Objectives of zone

The objectives of the zone are:

- (a) to identify land that is to be reserved or dedicated under the *National Parks and Wildlife Act 1974*, and
- (b) to protect the values of that land for which it is proposed to be so reserved or dedicated.

2 Without development consent

Nil.

3 Only with development consent

Any development authorised by or under the *National Parks and Wildlife Act 1974*, and any development incidental or ancillary to such a land use.

4 Only with development consent granted after advertising and satisfying clause 11

Nil.

2006 No 193

Wollongong Local Environmental Plan 1990 (Amendment No 235)

Schedule 1 Amendments

5 Prohibited

Any development not included in item 2, 3 or 4.

Zone No 9 (Reservation Zone)

1 Objectives of zone

The objectives of the zone are:

- (a) to ensure that land required for future essential services, roads, open space and community purposes is clearly designated, and
- (b) to provide for the acquisition of land within the zone, and
- (c) to permit development of land within the zone where it is not immediately required, and
- (d) to allow continued use of land within the zone until it is required.

2 Without development consent

Exempt development.

3 Only with development consent

Development for the purpose of:

advertisements; community facilities; such buildings, works, places and land uses specified in the Table to clause 35 and in clauses 36 and 37 as are marked or otherwise indicated for the land by lettering on the map; recreation areas; utility installations.

4 Only with development consent granted after advertising and satisfying clause 11

Development for the purpose of:

agriculture; camp or caravan sites; car parks; child care centres; cottage industries; dual occupancies; dwelling-houses; forestry; granny flats; health consulting rooms; home employment; leisure areas; places of worship; recreation facilities; restaurants; service stations; shops; transport terminals.

5 Prohibited

Any development not included in item 2, 3 or 4.

[8] Part 3, heading

Insert before clause 10:

Part 3 Special provisions

[9] Clause 10 Development requiring consent or for a temporary period

Omit “this plan” from clause 10 (1). Insert instead “this Part”.

[10] Clause 10 (1) (a1)

Insert after clause 10 (1) (a):

- (a1) the demolition of a building or work, unless the demolition is exempt development,

[11] Clause 10 (1) (n)

Omit “carried out pursuant to a notice under section 495A (1) of the *Local Government Act 1919* or section 13 (1) of the *Bushfires Act 1949*”.

Insert instead “required or authorised to be carried out by or under Division 1 of Part 3 of the *Noxious Weeds Act 1993* or Division 2 of Part 4 of the *Rural Fires Act 1997*”.

[12] Clause 10 (1) (n1)

Insert after clause 10 (1) (n):

- (n1) bushfire hazard reduction proposed to be carried out not in accordance with the provisions of the *Rural Fires Act 1997*,

[13] Part 3, heading

Omit the heading to Part 3 occurring after clause 10.

[14] Clause 10B

Omit the clause. Insert instead:

10B Development without consent

- (1) Development carried out by or on behalf of the Council for the purpose of the following may be carried out on any land, except land within a heritage conservation area or containing a heritage item, or subject to the provisions of *State Environmental Planning Policy No 58—Protecting Sydney’s Water Supply* without development consent:

2006 No 193

Wollongong Local Environmental Plan 1990 (Amendment No 235)

Schedule 1 Amendments

- (a) construction or maintenance of stormwater drainage, water quality treatment devices, water tanks, flood mitigation structures, recreation areas, public amenities and temporary storage facilities,
 - (b) installation or maintenance of street furniture, such as seats, Council information signs, street signs, street lights, bus shelters, garbage and recycling containers and bins, bollards, flag poles, telephone kiosks and the like, but not fixed outdoor vending machines,
 - (c) construction and maintenance of roads, footpaths, cycleways, parking areas, fire trails, walking tracks and other public pedestrian areas, including tree planting and repaving, street surfacing, reconstruction of kerbs and gutters, and the like,
 - (d) installation or maintenance of park furniture, including seats, picnic tables, barbecue units and shelters, awnings and shade structures, gazebos and pergolas, bollards, playground equipment, flag poles, bridges, staircases, boardwalks, lighting (excluding ovals, tennis courts and the like) and Council information signs,
 - (e) installation and maintenance of goal posts, sight screens, fencing and similar ancillary sporting structures on sporting or playing fields for use in the playing or performance of sporting events (excluding grandstands, dressing sheds and other like structures),
 - (f) installation and maintenance of temporary structures for special events, including marquees, booth toilets, stages, tents, scaffolds and the like,
 - (g) bush regeneration, landscaping, gardening, tree planting, tree maintenance and tree removal,
 - (h) other works or activities approved by the Council as part of a plan of management for public land (excluding the construction of buildings or activities excluded by paragraphs (a)–(g)),
 - (i) the dedication of land owned by the Council for a public road,
 - (j) the approval of a plan of survey defining an area of public road to be closed under the *Roads Act 1993*.
- (2) Bushfire hazard reduction may be carried out under section 100C of the *Rural Fires Act 1997* without development consent.

[15] Clause 11 Restrictions on granting certain consents

Omit “clause 54 of the *Environmental Planning and Assessment Regulation 1980*” from clause 11 (1).

Insert instead “Part 5 of the *Environmental Planning and Assessment Regulation 2000*”.

[16] Clause 11 (1A)

Insert after clause 11 (1):

- (1A) Any development that is the subject of a development application to which this clause applies is advertised development for the purposes of the Act.

[17] Clause 11 (2) (c)

Omit “Division 2 Part 4”. Insert instead “Division 10 of Part 4”.

[18] Clause 12 Floor space ratios

Insert “of buildable land” after “hectare” in clause 12 (3) (b) (i) and (ii), wherever occurring.

[19] Clause 13B

Insert after clause 13A:

13B Subdivision and density provisions

Consent is not to be granted to the subdivision of land within a zone specified in Column 1 of the Table to this clause if:

- (a) the consent authority is not satisfied that the subdivision will create a lot on which a dwelling-house will be erected, and
- (b) the area of each such lot (excluding any access handle) will not be equal to or greater than the area specified, in relation to the zone, in Column 2 of that Table.

Table

Column 1	Column 2
Zone	Minimum lot size for subdivision
2 (a)	450m ² if the land is not at Helensburgh
2 (a)	550m ² if the land is at Helensburgh
2 (a1)	550m ²

2006 No 193

Wollongong Local Environmental Plan 1990 (Amendment No 235)

Schedule 1 Amendments

[20] Clause 16 Development in Zone No 7 (a)

Omit “*Water Board Act 1987*” from clause 16 (1).

Insert instead “*Sydney Water Catchment Management Act 1998*”.

[21] Clause 16 (1) and (2)

Omit “Water Board” from clause 16 (1) and (2) wherever occurring.

Insert instead “Chief Executive of the Sydney Catchment Authority”.

[22] Clause 17 Development in Zone No 7 (a), 7 (b) or 7 (d)

Omit “Director of the National Parks and Wildlife Service” from clause 17 (2).

Insert instead “Director-General of the Department of Environment and Conservation”.

[23] Clause 17 (4)

Omit “Director of the National Parks and Wildlife Service or the Director-General of the Department of Agriculture and Fisheries (or both)”.

Insert instead “Director-General of the Department of Environment and Conservation, Director-General of the Department of Infrastructure, Planning and Natural Resources and Director-General of the Department of Primary Industries”.

[24] Clause 17 (5) (a)

Omit “Director of the National Parks and Wildlife Service”.

Insert instead “Director-General of the Department of Environment and Conservation”.

[25] Clause 17 (5) (b)

Omit “Agriculture and Fisheries”.

Insert instead “Infrastructure, Planning and Natural Resources and Director-General of the Department of Primary Industries”.

[26] Clause 17 (6)

Insert after clause 17 (5):

- (6) Consultation is taken to be sufficient for the purposes of this clause if the consent authority notifies the person required to be consulted about the development application concerned and takes into consideration any comments received in response within 28 days after the notice is sent.

[27] Clause 20 Sand dune systems

Omit “Commissioner of the Soil Conservation Service and the Director of Public Works”.

Insert instead “Director-General of the Department of Infrastructure, Planning and Natural Resources and the Director-General of the Department of Commerce”.

[28] Clause 20 (2)

Insert at the end of the clause:

- (2) Consultation is taken to be sufficient for the purposes of this clause if the consent authority notifies the person required to be consulted about the development application concerned and takes into consideration any comments received in response within 28 days after the notice is sent.

[29] Clause 26

Insert after clause 25:

26 Development in flood prone land

- (1) Notwithstanding any other provisions of this plan, the Council may refuse consent to the carrying out of any development on flood prone land where, in its opinion, the development may:
 - (a) be inconsistent with any interim flood policy adopted by the Council in accordance with the principles contained in the Manual entitled *Floodplain Development Manual* dated December 1986 (Reference No PWD 86010) and published by the NSW Public Works Department or any floodplain risk management plan adopted by the Council in accordance with the Manual entitled *Floodplain Management Manual* dated 2001 (as published by the NSW Government), or
 - (b) detrimentally increase the potential effect of floods on other land or land uses, or
 - (c) result, to a substantial degree, in an increased risk to human life, or
 - (d) be likely to result in additional economic and social cost which could not reasonably be managed by potentially affected persons and the general community, or

2006 No 193

Wollongong Local Environmental Plan 1990 (Amendment No 235)

Schedule 1 Amendments

- (e) adversely affect the environment of the floodplain by causing avoidable erosion, saltation, unnecessary destruction of river bank vegetation, or a reduction in the stability of the river bank.
- (2) The Council may consult with, and take into consideration, any advice of the Department of Infrastructure, Planning and Natural Resources and the State Emergency Service in relation to the nature of flood hazards, the necessity and the capacity to evacuate persons, and the consequence and suitability of any proposed development.

[30] Clauses 27–29E

Omit clauses 27–29D. Insert instead:

27 Protection of heritage items and heritage conservation areas

(1) When is consent required?

The following development may be carried out only with development consent:

- (a) demolishing or moving the whole or part of a heritage item or a building, work, relic, tree or place within a heritage conservation area,
- (b) altering a heritage item or a building, work, relic, tree or place within a heritage conservation area by making structural or non-structural changes to its exterior, such as to its detail, fabric, finish or appearance,
- (c) altering a heritage item by making structural changes to its interior,
- (d) disturbing or excavating a place of Aboriginal heritage significance or 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) erecting a building on, or subdividing, land on which a heritage item is located or that is within a heritage conservation area.

(2) What exceptions are there?

Development consent is not required by this clause if:

- (a) in the opinion of the consent authority:

- (i) the proposed development is of a minor nature or consists of maintenance of the heritage item or of a building, work, archaeological site, tree or place within a heritage conservation area, and
 - (ii) the proposed development would not adversely affect the significance of the heritage item or heritage conservation area, and
 - (b) the proponent has notified the consent authority in writing 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 will comply with paragraph (a) (i) and (ii) and that development consent is not otherwise required by this plan, and
 - (c) the proposed work or development is described in a conservation management plan which has been endorsed by the Council (in the case of items classified in Part 2 of Schedule 1 as being of regional heritage significance) or the Heritage Council (in the case of items classified in Part 2 of Schedule 1 as being of State heritage significance).
- (3) Development consent is not required by this clause for the following development in a cemetery or burial ground if there will be no disturbance to human remains, to relics in the form of grave goods or to a place of Aboriginal heritage significance:
- (a) the creation of a new grave or monument,
 - (b) an excavation or disturbance of land for the purpose of carrying out conservation or repair of monuments or grave markers.

(4) **What must be included in assessing a development application?**

Before granting a consent required by this clause, the consent authority must assess 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.

(5) **What extra documentation is needed?**

The assessment must include consideration of a heritage impact statement that addresses at least the issues described in subclause (6) (but is not to be limited to assessment of those issues, if the heritage significance concerned involves other issues). The consent authority may also decline to grant such a consent until it has considered a conservation management plan,

2006 No 193

Wollongong Local Environmental Plan 1990 (Amendment No 235)

Schedule 1 Amendments

if it considers the development proposed should be assessed with regard to such a plan.

- (6) The minimum number of issues that must be addressed by the heritage impact statement are:
- (a) for development that would affect a heritage item:
 - (i) the heritage significance of the item as part of the environmental heritage of the City of Wollongong, and
 - (ii) the impact that the proposed development will have on the heritage significance of the item and its setting, including any landscape or horticultural features, and
 - (iii) the measures proposed to conserve the heritage significance of the item and its setting, and
 - (iv) whether any archaeological site or potential archaeological site would be adversely affected by the proposed development, and
 - (v) the extent to which the carrying out of the proposed development would affect the form of any historic subdivision, and
 - (b) for development that would be carried out in a heritage conservation area:
 - (i) the heritage significance of the heritage conservation area and the contribution that any building, work, relic, tree or place affected by the proposed development makes to this heritage significance, and
 - (ii) the impact that the proposed development would have on the heritage significance of the heritage conservation area, and
 - (iii) the compatibility of any proposed development with nearby original buildings and the character of the heritage conservation area, taking into account the size, form, scale, orientation, setbacks, materials and detailing of the proposed development, and
 - (iv) the measures proposed to conserve the significance of the heritage conservation area and its setting, and
 - (v) whether any landscape or horticultural features would be affected by the proposed development, and

- (vi) whether any archaeological site or potential archaeological site would be affected by the proposed development, and
- (vii) the extent to which the carrying out of the proposed development in accordance with the consent would affect any historic subdivision pattern, and
- (viii) the issues raised by any submission received in relation to the proposed development in response to the notification or advertising of the application.

28 Advertised heritage development

The following development is identified as advertised development for the purposes of the Act:

- (a) the demolition of a heritage item or a building, work, tree or place in a heritage conservation area,
- (b) the carrying out of any development allowed by clause 29D.

29 Notice of demolition to Heritage Council

Before granting consent for the demolition of a heritage item identified in Part 2 of Schedule 1 as being of State significance, the consent authority must notify the Heritage Council about the application and take into consideration any comments received in response within 28 days after the notice is sent.

29A Development affecting places or sites of known or potential Aboriginal heritage significance

Before granting consent for development that is likely to have an impact on a place of Aboriginal heritage significance or a potential place of Aboriginal heritage significance, or that will be carried out on an archaeological site of a relic that has Aboriginal heritage significance, the consent authority must:

- (a) consider a heritage impact statement explaining how the proposed development would affect the conservation of the place or site and any relic known or reasonably likely to be located at the place or site, and
- (b) except where the proposed development is integrated development, notify the local Aboriginal communities (in such way as it thinks appropriate) and the Director-General of the Department of Environment and Conservation of its intention to do so and take into consideration any comments received in response within 28 days after the relevant notice is sent.

2006 No 193

Wollongong Local Environmental Plan 1990 (Amendment No 235)

Schedule 1 Amendments

29B Development affecting known or potential archaeological sites of relics of non-Aboriginal heritage significance

- (1) Before granting consent for development that will be carried out on an archaeological site or a potential archaeological site of a relic that has non-Aboriginal heritage significance (whether or not it is, or has the potential to be, also the site of a relic of Aboriginal heritage significance), the consent authority must:
 - (a) consider a heritage impact statement explaining how the proposed development will affect the conservation of the site and any relic known or reasonably likely to be located at the site, and
 - (b) notify the Heritage Council of its intention to do so and take into consideration any comments received in response within 28 days after the notice is sent.
- (2) This clause does not apply if the proposed development:
 - (a) does not involve disturbance of below-ground deposits and the consent authority is of the opinion that the heritage significance of any above-ground relics would not be adversely affected by the proposed development, or
 - (b) is integrated development.

29C Development in vicinity of a heritage item

- (1) Before granting consent to development in the vicinity of a heritage item, the consent authority must assess the impact of the proposed development on the heritage significance of the heritage item and of any heritage conservation area within which it is situated.
- (2) This clause extends to development:
 - (a) that may have an impact on the setting of a heritage item, for example, by affecting a significant view to or from the item or by overshadowing, or
 - (b) that may undermine or otherwise cause physical damage to a heritage item, or
 - (c) that will otherwise have any adverse impact on the heritage significance of a heritage item or of any heritage conservation area within which it is situated.
- (3) The consent authority may refuse to grant any such consent unless it has considered a heritage impact statement that will help it assess the impact of the proposed development on the heritage significance, visual curtilage and setting of the heritage item.

- (4) The heritage impact statement should include details of the size, shape and scale of, setbacks for, and the materials to be used in, any proposed buildings or works and details of any modification that would reduce the impact of the proposed development on the heritage significance of the heritage item.

29D Conservation incentives

- (1) The consent authority may grant consent to the use for any purpose of a building that is a heritage item, or of the land on which such a building is erected, even though the use would otherwise not be allowed by this plan, if:
 - (a) it is satisfied that the retention of the heritage item depends on the granting of consent, and
 - (b) the proposed use is in accordance with a conservation management plan that has been endorsed by the consent authority, and
 - (c) the granting of consent to the proposed use would ensure that all necessary conservation work identified in the conservation management plan is carried out, and
 - (d) the proposed use would not adversely affect the heritage significance of the heritage item or its setting, and
 - (e) the proposed use would not adversely affect the amenity of the surrounding area otherwise than to an insignificant extent.
- (2) Nothing in this plan prevents the carrying out of development for the purposes of repair or maintenance for continued use of a functioning industrial heritage item.

29E Development in heritage conservation areas

- (1) Before granting consent for the erection of a building within a heritage conservation area, the consent authority must be satisfied that the features of the proposed building will be compatible with the heritage significance of the heritage conservation area, having regard to the form of, and materials used in, buildings that contribute to the heritage significance of the heritage conservation area.
- (2) In satisfying itself about those features, the consent authority must have regard to at least the following (but is not to be limited to having regard to those features):
 - (a) the pitch and form of the roof (if any),
 - (b) the style, size, proportion and position of the openings for windows or doors (if any),

2006 No 193

Wollongong Local Environmental Plan 1990 (Amendment No 235)

Schedule 1 Amendments

- (c) the colour, texture, style, size and type of finish of the materials to be used on the exterior of the building.

[31] Clause 31 Relocation of main roads

Omit “Director of the Department of Planning” from clause 31 (1).

Insert instead “Director-General of the Department of Infrastructure, Planning and Natural Resources”.

[32] Clause 34 Tree preservation

Omit “Regulation 38 or 39 of the *Overhead Line Construction and Maintenance Regulations 1962*” from clause 34 (6).

Insert instead “the *Electricity Supply (General) Regulation 2001*”.

[33] Clause 35 Acquisition of land within Zone No 9

Omit “Minister for Further Education, Training & Employment” and “Minister for Education” wherever occurring from Column 2 of the Table to the clause.

Insert instead “Minister for Education and Training”.

[34] Clause 37B

Omit clauses 37B–37D. Insert instead:

37B Classification and reclassification of public land as operational land

- (1) The public land described in Schedule 4 has been or is classified, or reclassified, as operational land for the purposes of the *Local Government Act 1993*, subject to this clause.
- (2) The amendments made by the *Local Government Amendment (Community Land Management) Act 1998* to section 30 of the *Local Government Act 1993* do not apply to the land described in Part 1 of Schedule 4.
- (3) Land described in Part 2 of Schedule 4:
 - (a) to the extent (if any) that the land is a public reserve, continues to be a public reserve, and
 - (b) continues to be affected by any trusts, estates, interests, dedications, conditions, restrictions or covenants by which it was affected before its classification, or reclassification, as operational land.

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- (4) Land described in Part 3 of Schedule 4, to the extent (if any) that it is a public reserve, ceased or ceases to be a public reserve on the commencement of the relevant amending plan and, by the operation of that plan, was or 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 in relation to the land in Part 3 of Schedule 4, and
 - (b) any reservations that except land out of a Crown grant relating to the land, and
 - (c) reservation of minerals (within the meaning of the *Crown Lands Act 1989*).
- (5) In this clause, ***the relevant amending plan***, in relation to land described in Part 3 of Schedule 4, means the local environmental plan that inserted the description of the land in that Part.
- (6) Before the relevant amending plan inserted a description of land into Part 3 of Schedule 4, the Governor approved of subclause (4) applying to the land.

[35] Schedule 1 Items of heritage significance

Omit from Part 1 under the heading “**WOLLONGONG/CONISTON/MANGERTON/KEIRAVILLE/FIGTREE**”:

B House 4 Gladstone Avenue, West Wollongong

[36] Schedule 1, Part 1

Omit the heading “**DAPTO CENTRAL**”.

Insert instead “**DAPTO/KOONAWARRA/KANAHOOKA**”.

[37] Schedule 1, Part 1

Insert at the end of the matter relating to “**DAPTO/KOONAWARRA/KANAHOOKA**” (the heading being inserted by item [36]):

A Former Dapto Smelter Kanahooka Road

[38] Schedule 1, Part 2

Omit under the heading “**KANAHOOKA**”:

A Former Dapto Smelter Kanahooka Road R

2006 No 193

Wollongong Local Environmental Plan 1990 (Amendment No 235)

Schedule 1 Amendments

[39] Schedule 2 Additional development

Omit the following items:

Lot 2, DP 541421, Plateau Road, Stanwell Tops.	34 dwelling-houses, each on a separate allotment of land.	Arrangements satisfactory to the Water Board having been made for the provision of water supply to the land; development consent shall not be granted after the expiration of one year from the appointed day.
Part of an unnumbered lot, Mount Ousley Road, Mount Ousley, as shown edged heavy black on the map marked "Wollongong Local Environmental Plan No 83".	Educational establishment (being a building used as a school college, technical college, academy, lecture hall, gallery or museum, but not including a building used wholly or principally as an institution or child care centre).	Development consent shall not be granted after the expiration of one year from the appointed day.
Part Lot 1, DP 730787, Pharlap Avenue, Kembla Grange, as shown edged heavy black on the map marked "Wollongong Local Environmental Plan No 103".	Commercial premises; shops and industries which are ancillary to equestrian activities (eg veterinary surgeries, saddleries, farriers, produce stores).	Development consent shall not be granted after the expiration of one year from the appointed day.
All lands comprising the Illawarra Escarpment State Recreation Area.	Holiday cabins.	Development to be in accordance with the provisions of the Illawarra Escarpment State Recreation Area Plan of Management under the <i>National Parks and Wildlife Act 1974</i> ; development consent shall not be granted after the expiration of one year from the appointed day.
Part Lot 2, DP 604541, and Part Lot 2, DP 585049, north of Brokers Road, Balgownie, as shown heavy black on the map marked "Wollongong Local Environmental Plan No 119".	Tourist mine and ancillary facilities (including tourist accommodation and a restaurant and convention centre).	Development consent shall not be granted after the expiration of one year from the appointed day.

Lots 77–79, DP 10927, King Street, Warrawong.	Hospital.	Development consent shall not be granted after the expiration of one year from the appointed day.
Lot 34, DP 561012, Mount Brown Road, Dapto.	Masonic lodge, temple and associated facilities.	Development consent shall not be granted after the expiration of 5 years from the appointed day.
Lots 2 and 3, DP 701213, Kanahooka Road, Dapto.	15 dwelling-houses each on a separate parcel of land having a minimum area of 4,000 square metres.	Development consent shall not be granted after the expiration of one year from the appointed day.
Part Lots 18 and 19, DP 939373, O’Briens Road, Figtree.	One dwelling-house.	Development consent shall not be granted after the expiration of one year from the appointed day.
Part Lot B, DP 581539 and Part Portion 108, Shellharbour Road, Kemblawarra.	Sandmining.	Development consent shall not be granted after the expiration of one year from the appointed day.
Lots 2 and 3, DP 701213, Kanahooka Road, Dapto.	Recreational Retirement Village for up to 179 units, and Museum.	Development consent shall not be granted after the expiration of one year from the appointed day.
Lot 1, DP 796995, Princes Highway, Fairy Meadow, as shown edged heavy black on the map marked “City of Wollongong Local Environmental Plan 1990 (Amendment No 7)”.	Restaurants.	Development consent shall not be granted after the expiration of one year from the making of the <i>City of Wollongong Local Environmental Plan 1990 (Amendment No 7)</i> .
Lot 5 DP 717741 Princes Highway Yallah, other than land within Zone No 2 (b).	18 hole golf course.	Development consent shall not be granted after the expiration of 2 years from the date on which <i>Wollongong Local Environmental Plan 1990 (Amendment No 39)</i> was published in the Gazette.

2006 No 193

Wollongong Local Environmental Plan 1990 (Amendment No 235)

Schedule 1 Amendments

Lots 2 and 3, DP 701213, Kanahooka Road, Dapto, as shown edged heavy black on the map marked "City of Wollongong Local Environmental Plan 1990 (Amendment No 64)".	Recreational retirement village for up to 179 units and museum.	Development consent shall not be granted after the expiration of 3 years from the appointed day.
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[40] Schedule 2

Omit the matter in Column 3 relating to Lot 1, DP 805541, and Part Lots 5 and 6, DP 717741, Princes Highway, Yallah.

Insert instead:

The Council shall not consent to the carrying out of development on land described in Column 1 unless the Council has taken into consideration any submission received from the Director-General of the Department of Infrastructure, Planning and Natural Resources, Environment Protection Authority, Illawarra Catchment Management Committee or Lake Illawarra Authority (and from any other public authority the Council considers relevant) within 30 days after service of notice of the proposed development on the Director-General or authority.

[41] Schedule 3, heading

Omit the heading. Insert instead:

Schedule 3 Savings

[42] Schedule 3

Omit "*Water Act 1912, the Irrigation Act 1912*" from clause 11.

Insert instead "*Water Management Act 2000*".

[43] Schedule 4

Omit the heading and the clausal cross-reference. Insert instead:

Schedule 4 Classification and reclassification of public land as operational land

(Clause 37B)

Part 1 Land classified, or reclassified, under original section 30 of Local Government Act 1993

[44] Schedule 4A

Omit the heading and the clausal cross-reference. Insert instead:

Part 2 Land classified, or reclassified, under amended section 30 of Local Government Act 1993—interests not changed

[45] Schedule 4B

Omit the heading and the clausal cross-reference. Insert instead:

Part 3 Land classified, or reclassified, under amended section 30 of Local Government Act 1993—interests changed

[46] Schedule 4, Part 3 (as renamed by item [45])

Insert at the end of the Part:

Part Lot 1858, DP 227528, Berkeley Sports and Social Club car park, Winnima Way, Berkeley, as shown edged heavy black on the map marked “Wollongong Local Environmental Plan 1990 (Amendment No 235)”.

Lot 5, DP 37769, Wilga Street car park, Corrimal, as shown edged heavy black on the map marked “Wollongong Local Environmental Plan 1990 (Amendment No 235)”.

Lot 103, DP 837415, Nos 222–228 Farmborough Road, Farmborough, as shown edged heavy black on the map marked “Wollongong Local Environmental Plan 1990 (Amendment No 235)”.

2006 No 193

Wollongong Local Environmental Plan 1990 (Amendment No 235)

Schedule 1 Amendments

Part Lot 1672, DP 877546, Dallas Street car park, Keiraville, as shown edged heavy black on the map marked “Wollongong Local Environmental Plan 1990 (Amendment No 235)”.

Lots 1–5, Section 2, DP 5868, Allan Street car park, Port Kembla, as shown edged heavy black on the map marked “Wollongong Local Environmental Plan 1990 (Amendment No 235)”.

Lot 203, DP 631544 and Lot 6, DP 19611, Tannery Street car park, Unanderra, as shown edged heavy black on the map marked “Wollongong Local Environmental Plan 1990 (Amendment No 235)”.

Lot 101, DP 814507, Auburn Street car park, Wollongong, as shown edged heavy black on the map marked “Wollongong Local Environmental Plan 1990 (Amendment No 235)”.

Lot 1, DP 1013057, Bank Street car park, Wollongong, as shown edged heavy black on the map marked “Wollongong Local Environmental Plan 1990 (Amendment No 235)”.

Part Lot 102, DP 847615, heliport and car park, Springhill Road, Wollongong, as shown edged heavy black on the map marked “Wollongong Local Environmental Plan 1990 (Amendment No 235)”.

Lot 122, DP 513474 and Lot 1, DP 206847, Thomas Street car park, Wollongong, as shown edged heavy black on the map marked “Wollongong Local Environmental Plan 1990 (Amendment No 235)”.

Parts of Lots 16 and 17, Section A and another part of Lot 16, Section A of W G Robertson’s Subdivision of 78 lots in the Town of Wollongong which said subdivision was offered for sale on the fifth day of July 1884 and Lots 1 and 2, DP 307576 and Lots A and B, DP 340118, Victoria Street car park, Wollongong, as shown edged heavy black on the map marked “Wollongong Local Environmental Plan 1990 (Amendment No 235)”.

Part Lot 100, DP 1035000, Robert Street car park, Woonona, as shown edged heavy black on the map marked “Wollongong Local Environmental Plan 1990 (Amendment No 235)”.

BY AUTHORITY
