



New South Wales

# Wollongong City Centre Local Environmental Plan 2007

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*. (9043214/PC)

FRANK SARTOR, M.P.,  
Minister for Planning

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## 2007 No 30

Clause 1            Wollongong City Centre Local Environmental Plan 2007

Part 1             Preliminary

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# Wollongong City Centre Local Environmental Plan 2007

under the

Environmental Planning and Assessment Act 1979

## Part 1 Preliminary

**Note.** The *Standard Instrument (Local Environmental Plans) Order 2006* sets out matters to be included in standard local environmental plans. While this Plan is not a standard local environmental plan, standard clauses have been included in this Plan and the clause numbering from that Order has been retained. This means that the numbering in this Plan may contain some gaps. Additional provisions have been inserted and are numbered accordingly.

### 1 Name of Plan

This Plan is *Wollongong City Centre Local Environmental Plan 2007*.

### 2 Aims of Plan

- (1) This Plan aims to make local environmental planning provisions for land in the Wollongong city centre that are generally 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 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.

**3 Land to which Plan applies**

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

**4 Definitions**

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

**5 Notes**

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

**6 Consent authority**

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

**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 from time to time by maps declared by environmental planning instruments to amend 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 aspect or part 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.

**Note.** The maps adopted by this Plan are the Floor Space Ratio Map, the Height of Buildings Map, the Heritage Map, Key Sites Map, the Land Application Map, the Land Reservation Acquisition Map, the Land Zoning Map and the Sun Plane Protection Map.

**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.

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Clause 8A Wollongong City Centre Local Environmental Plan 2007

Part 1 Preliminary

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- (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.
- (3) 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 been finally determined before that commencement, the application is to be determined as if this Plan had been exhibited but had not commenced.

### 8A Suspension of covenants, agreements and instruments

- (1) For the purpose of enabling development on land within any zone to be carried out in accordance with this Plan or with a 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*.
- (3) This clause does not affect the rights or interests of any public authority under any registered instrument.
- (4) Pursuant to section 28 of the Act, before the making of this clause, the Governor approved of subclauses (1)–(3).

### 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)*

*State Environmental Planning Policy No 9—Group Homes*

*State Environmental Planning Policy No 60—Exempt and Complying Development*

*State Environmental Planning Policy No 71—Coastal Protection*

*Illawarra Regional Environmental Plan No 1*

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Clause 10          Wollongong City Centre Local Environmental Plan 2007

Part 2              Permitted or prohibited development

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## **Part 2    Permitted or prohibited development**

### **10    Land use zones**

The land use zones under this Plan are as follows:

#### **Residential Zones**

R1 General Residential

#### **Business Zones**

B3 Commercial Core

B4 Mixed Use

B6 Enterprise Corridor

#### **Industrial Zones**

IN4 Working Waterfront

#### **Special Purpose Zones**

SP1 Special Activities—Hospitals and Medical Research and Development

SP2 Infrastructure

SP3 Tourist

#### **Recreation Zones**

RE1 Public Recreation

RE2 Private Recreation

### **11    Zoning of land to which Plan applies**

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

### **12    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.  
**Note.** Schedule 1 sets out additional permitted uses for particular land.

**13 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.

**14 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.

**15 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) making an adjustment to a boundary between lots, being an adjustment that does not involve the creation of a greater number of lots,

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Part 2 Permitted or prohibited development  
Land Use Table

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- (c) a minor realignment of boundaries that does not create additional lots or the opportunity for additional dwellings,
- (d) a consolidation of lots that does not create additional lots or the opportunity for additional dwellings,
- (e) rectifying an encroachment on a lot,
- (f) creating a public reserve,
- (g) 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 conveniences.

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

## Land Use Table

### 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.
- To allow some diversity of activities and densities if:
  - the scale and height of proposed buildings is compatible with the character of the locality, and
  - traffic generation can be managed in a way that avoids significant adverse impact on the local road system, and
  - there will be no significant adverse impact on the amenity of any existing or proposed development nearby.
- To encourage increased population levels in locations which will support the commercial viability of the Wollongong city centre if any such new development:
  - has regard to the desired future character of residential streets, and
  - does not significantly detract from the amenity of any existing or proposed development nearby.
- To allow development along the coastline to take advantage of view corridors whilst avoiding a continuous built edge along the waterfront.

**2 Permitted without consent**

Environmental protection works.

**3 Permitted with consent**

Bed and breakfast accommodation; Boarding houses; Child care centres; Community facilities; Dual occupancies; Dwelling houses; Educational establishments; Group homes; Home businesses; Home industries (except in residential flat buildings); Home occupations; Hostels; Multi dwelling housing; Neighbourhood shops; Places of public worship; Residential care facilities; Residential flat buildings; Roads; Seniors housing; Shop top housing.

**4 Prohibited**

Any other development not otherwise 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.
- 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.
- To provide for land uses of a higher order and density within the Commercial Core zone than those located within the Mixed Use zone.
- To encourage a diverse and compatible range of activities including the following:
  - commercial and retail development,
  - cultural and entertainment facilities,
  - tourism, leisure and recreation facilities,
  - social, education and health services.
- To provide for residential development which contributes to the vitality of the Wollongong city centre, where provided within a mixed use development.
- To create opportunities to improve the public domain and pedestrian links throughout the Wollongong city centre.

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Part 2 Permitted or prohibited development  
Land Use Table

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- To provide for the retention and creation of view corridors.
- To protect and enhance the unique qualities and character of special areas within the Wollongong city centre.

### 2 Permitted without consent

Environmental protection works.

### 3 Permitted with consent

Advertisements; Amusement centres; Business premises; Car parks (but only as required by this Plan or public car parking provided by or on behalf of the Council); Child care centres; Community facilities; Educational establishments; Entertainment facilities; Food and drink premises; Function centres; Home businesses; Home occupations; Hospitals; Hotel accommodation; Information and education facilities; Medical centres; Medical research and development facilities; Mixed use developments; Multi dwelling housing (but only as a component of mixed use developments); Office premises; Passenger transport facilities; Places of public worship; Public administration buildings; Public halls; Recreation facilities (indoor); Registered clubs; Residential flat buildings (but only as a component of mixed use developments); Restaurants; Restricted premises; Retail premises; Roads; Serviced apartments; Sex services premises; Telecommunications facilities.

### 4 Prohibited

Any other development not otherwise 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 the higher order Commercial Core Zone while providing for the daily commercial needs of the locality.
- To encourage a diverse and compatible range of activities including the following:
  - commercial and retail development,
  - cultural and entertainment facilities,
  - tourism, leisure and recreation facilities,

- social, education and health services,
- higher density residential development.
- To create opportunities to improve the public domain and pedestrian links within the Mixed Use zone.
- To protect and enhance the unique qualities and character of special areas within the Wollongong city centre.

**2 Permitted without consent**

Environmental protection works.

**3 Permitted with consent**

Any other development not otherwise specified in item 2 or 4.

**4 Prohibited**

Car parks (except those required by this Plan or public car parking provided by or on behalf of the Council); Caravan parks; Dual occupancies; Dwelling houses; Extractive industries; Industries; Light industrial retail outlets; Light industries; Mines; Retail premises (but only if the total floor area of the premises exceeds 400 m<sup>2</sup>); Warehouse or distribution centres.

**Zone B6 Enterprise Corridor**

**1 Objectives of zone**

- To promote businesses along main roads and to encourage a mix of compatible uses.
- To enable a mix of employment (including business, office, retail and light industrial uses) and residential uses.
- To maintain the economic strength of centres by limiting the retailing of food and clothing.

**2 Permitted without consent**

Environmental protection works.

**3 Permitted with consent**

Boarding houses; Bulky goods premises; Business premises; Car parks (but only as required by this Plan or public car parking provided by or on behalf of the Council); Community facilities; Educational establishments; Food and drink premises; Home businesses; Home industries; Home occupations; Hotel accommodation; Landscape and garden supplies; Light industrial retail outlets; Light industries; Mixed use developments; Multi dwelling housing (but only as a component of

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Part 2 Permitted or prohibited development  
Land Use Table

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mixed use developments); Office premises (but only ancillary to other uses permissible in this zone); Passenger transport facilities; Places of public worship; Public administration buildings; Residential flat buildings (but only as a component of a mixed use development); Restricted premises; Retail premises; Roads; Serviced apartments; Sex services premises; Telecommunications facilities; Timber and building supplies; Warehouse or distribution centres.

#### 4 Prohibited

Any other development not otherwise 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 identify sites for commercial activities at Wollongong Harbour and Belmore Basin.
- To prevent development that is not compatible with or that may detract from the commercial operations at Wollongong Harbour and Belmore Basin.

#### 2 Permitted without consent

Environmental protection works.

#### 3 Permitted with consent

Boat launching ramps; Boat repair facilities; Car parks (but only as required by this Plan or public car parking provided by or on behalf of the Council); Charter and tourism boating facilities; Food and drink premises; Jetties; Light industries; Marinas; Markets; Restaurants; Roads.

#### 4 Prohibited

Any other development not otherwise specified in item 2 or 3.

### **Zone SP1 Special Activities—Hospitals and Medical Research and Development**

#### **1 Objectives of zone**

- To provide for special land uses 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 which minimises any adverse impacts on surrounding land.
- To provide for development that is compatible with Wollongong Hospital, including residential accommodation.
- To prevent development that is not compatible with or that may detract from the activities, including medical research and development associated with Wollongong Hospital.

#### **2 Permitted without consent**

Environmental protection works.

#### **3 Permitted with consent**

Boarding houses; Car parks (but only as required by this Plan or public car parking provided by or on behalf of the Council); Child care centres; Community facilities; Dwelling houses; Educational establishments; Food and drink premises; Funeral chapels; Funeral homes; Group homes; Hospitals; Hostels; Medical centres; Medical research and development facilities; Mortuaries; Multi dwelling housing; Neighbourhood shops; Places of public worship; Residential care facilities; Residential flat buildings; Roads; Seniors housing; Shop top housing; Utility installations.

#### **4 Prohibited**

Any other development not otherwise 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 classified roads.

#### **2 Permitted without consent**

Environmental protection works; Roads.

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Wollongong City Centre Local Environmental Plan 2007

Part 2 Permitted or prohibited development  
Land Use Table

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### 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; Roads.

### 4 Prohibited

Any other development not otherwise 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.
- To allow development along the coastline to take advantage of and retain view corridors whilst avoiding a continuous built edge along the waterfront.
- To provide for tourism accommodation.

### 2 Permitted without consent

Environmental protection works.

### 3 Permitted with consent

Advertisements; Car parks (but only as required by this Plan or public car parking provided by or on behalf of the Council); Entertainment facilities; Food and drink premises; Function centres; Recreation facilities (major); Restaurants; Roads; Tourist and visitor accommodation.

### 4 Prohibited

Any other development not otherwise 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.



**2 Permitted without consent**

Environmental facilities; Environmental protection works.

**3 Permitted with consent**

Car parks (but only as required by this Plan or public car parking provided by or on behalf of the Council); Child care centres; Community facilities; Function centres (but only if permitted by a Plan of Management adopted under either the *Local Government Act 1993* or the *Crown Lands Act 1989* for public land); Kiosks; Markets; Recreation areas; Recreation facilities (indoor); Recreation facilities (outdoor); Restaurants; Roads; Utility installations.

**4 Prohibited**

Any other development not otherwise 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**

Environmental facilities; Environmental protection works.

**3 Permitted with consent**

Car parks (but only as required by this Plan or public car parking provided by or on behalf of the Council); Child care centres; Recreation areas; Recreation facilities (indoor); Recreation facilities (outdoor); Registered clubs; Restaurants; Roads.

**4 Prohibited**

Any other development not otherwise specified in item 2 or 3.

## 2007 No 30

Clause 16 Wollongong City Centre Local Environmental Plan 2007

Part 3 Exempt and complying development

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### Part 3 Exempt and complying development

#### 16 Exempt development

- (1) Development of minimal environmental impact listed in *Wollongong Development Control Plan No 99/2—Exempt Development* (as adopted by the Council on 5 July 1999) is **exempt development**, despite any other provision of this Plan.
- (2) Development is exempt development only if it complies with the development standards and other requirements applied to the development by this Part and by *Wollongong Development Control Plan No 99/2—Exempt Development* (as adopted by the Council on 5 July 1999).

#### 17 Complying development

- (1) Development listed in *Wollongong Development Control Plan No 99/1—Complying Development* (as adopted by the Council on 5 July 1999) is **complying development** if:
  - (a) it is local development of a kind that can be carried out with consent on the land on which it is proposed, and
  - (b) it is not an existing use, as defined in section 106 of the Act.
- (2) Development is complying development only if it complies with the development standards and other requirements applied to the development by this Part and by *Wollongong Development Control Plan No 99/1—Complying Development* (as adopted by the Council on 5 July 1999).
- (3) A complying development certificate issued for any complying development is to be subject to the conditions for the development specified in *Wollongong Development Control Plan No 99/1—Complying Development* (as adopted by the Council on 5 July 1999).
- (4) For the purposes of section 109D (1) (d) (iv) of the Act, an accredited certifier may be a certifying authority for the purpose of issuing a subdivision certificate for a subdivision that is complying development.

#### 18 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:
  - (a) a sensitive coastal location, or

- (b) coastal waters of the State, or
- (c) land to which *State Environmental Planning Policy No 14—Coastal Wetlands* or *State Environmental Planning Policy No 26—Littoral Rainforests* applies, or
- (d) land reserved as an aquatic reserve under the *Fisheries Management Act 1994* or as a marine park under the *Marine Parks Act 1997*, or
- (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, or
- (f) land identified in this or any other environmental planning instrument as being of high Aboriginal cultural significance or high biodiversity significance, or
- (g) land reserved as a state conservation area under the *National Parks and Wildlife Act 1974*, or
- (h) land reserved or dedicated under the *Crown Lands Act 1989* for the preservation of flora, fauna, geological formations or for other environmental protection purposes, or
- (i) land identified as being critical habitat under the *Threatened Species Conservation Act 1995* or Part 7A of the *Fisheries Management Act 1994*.

## **2007 No 30**

Clause 21            Wollongong City Centre Local Environmental Plan 2007

Part 4                Principal development standards

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### **Part 4    Principal development standards**

#### **21    Height of buildings**

- (1) The objectives of this Plan for the control of the height of buildings are as follows:
  - (a) to allow sunlight access to key areas of the public domain by ensuring that further overshadowing of certain parks and community places is avoided or limited during nominated times,
  - (b) to provide high quality urban form for all buildings,
  - (c) to maintain satisfactory sky exposure and daylight to existing buildings, to the sides and rear of tower forms and to public areas, including parks, streets and lanes,
  - (d) to ensure that taller development occurs on sites capable of providing appropriate urban form and amenity,
  - (e) to nominate heights that will provide a transition in built form and land use intensity within the area covered by this Plan,
  - (f) to ensure an appropriate height transition between new buildings and heritage items.
- (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.

#### **21A   Sun access planes**

- (1) This clause applies to land shown coloured yellow on the Sun Plane Protection Map.
- (2) Despite clause 21, 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 the City Centre Development Control Plan.
- (3) This clause does not apply to development resulting only in refurbishment of a building.

#### **21B   Architectural roof features**

- (1) A person may, with development consent, carry out development that includes an architectural roof feature that exceeds, or causes a building to exceed, the height limits set by clauses 21 and 21A.
- (2) Development consent must not be granted to any such development unless the consent authority is satisfied that the architectural roof feature:
  - (a) comprises a decorative element on the uppermost portion of a building, and

- (b) does not include floor space area and is not reasonably capable of modification to include floor space area, and
- (c) does not provide access for recreational purposes, and
- (d) is not a structure for signage or advertising, and
- (e) does not contain equipment or structures for servicing the building, such as plant, lift motor rooms, fire stairs and the like, and
- (f) is an integral part of the design of the building in its context, and
- (g) will have minimal overshadowing impact.

## 22 Floor space ratio

- (1) The objectives of this Plan for the control of floor space ratios are as follows:
  - (a) to ensure a degree of equity in relation to development potential for sites of different sizes and for sites located in different parts of the Wollongong city centre,
  - (b) to ensure that proposals for new buildings are assessed with due regard to the design excellence and built form provisions of this Plan,
  - (c) to provide sufficient floor space for high quality development for the foreseeable future,
  - (d) to regulate density of development and generation of vehicular and pedestrian traffic.
- (2) The maximum floor space ratio for buildings 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 buildings are used only for residential activities, or
  - (b) the amount specified opposite that zone in Column 4 of the Table, if the buildings are used only for activities other than residential activities.

**Table**

Column 1	Column 2	Column 3	Column 4
R1 General Residential	Site area of any size and a street frontage of any size	1.5:1	
B3 Commercial Core	Site area any size and no street frontage equal to or greater than 20m	1.5:1	1.5:1

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Clause 22 Wollongong City Centre Local Environmental Plan 2007

Part 4 Principal development standards

Column 1	Column 2	Column 3	Column 4
	Site area less than 800m <sup>2</sup> and a street frontage equal to or greater than 20m	2:1	3.5:1
	Site area equal to or greater than 800m <sup>2</sup> and less than 2000m <sup>2</sup> and a street frontage equal to or greater than 20m	as set out in subclause (3)	as set out in subclause (3)
	Site area equal to or greater than 2000m <sup>2</sup> and a street frontage equal to or greater than 20m	3.5:1	6:1
B4 Mixed Use	Site area of any size and no street frontage equal to or greater than 20m	1.5:1	1.5:1
	Site area of any size and a street frontage equal to or greater than 20m	2.5:1	3.5:1
B6 Enterprise Corridor	Site area of any size and no street frontage equal to or greater than 20m	1.5:1	1.5:1
	Site area of any size and a street frontage equal to or greater than 20m	2.5:1	3:1
SP1 Special Activities—Hospitals and Medical Research and Development	Site area of any size and a street frontage of any size	1.5:1	
SP3 Tourist	Site area of any size and a street frontage of any size		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 2000 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:
- (2 + 1.5X):1—if the building is used only for residential activities, and
  - (3.5 + 2.5X):1—if the building is used only for activities other than residential activities,

where:

*X* is (the site area 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 activities and other activities, is:

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

where:

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

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

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

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

**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 2000 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 activities other than residential activities and 70 per cent of which is to be used for residential activities:

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

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

$(1.8 + 2.45):1$

4.25:1 is the maximum floor space ratio.

- (5) For a building on land within Zone SP1 Special Activities—Hospitals and Medical Research and Development 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 activities*, in relation to the use of a building, means using the building for the purposes of dwellings or serviced apartments or a combination of such uses.

## 22A Minimum building street frontage

- (1) 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.

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- (2) Despite subclause (1), 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.

### 22B Design excellence

- (1) This clause applies to development involving the construction of a new building or external alterations to an existing building.
- (2) 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.
- (3) 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,



- 
- (ix) pedestrian, cycle, vehicular and service access, circulation and requirements,
  - (x) impact on, and any proposed improvements to, the public domain.
- (4) Consent must not be granted to the following development to which this Plan applies unless an architectural design competition has been held in relation to the proposed development:
- (a) development for which an architectural design competition is required as part of a concept plan approved by the Minister under Division 3 of Part 3A of the Act,
  - (b) development in respect of a building that is, or will be, greater than 35 metres in height,
  - (c) 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,
  - (d) development for which the applicant has chosen to have such a competition.
- (5) Subclause (4) does not apply if the Director-General certifies in writing that the development is one for which an architectural design competition is not required.
- (6) The consent authority may grant consent to the erection or alteration of a building to which this clause applies that has a floor space ratio of up to 10 per cent greater than that allowed by clause 22 or a height of up to 10 per cent greater than that allowed by clause 21, but only if:
- (a) the design of the building or alteration is the result of an architectural design competition, and
  - (b) the concurrence of the Director-General has been obtained to the development application.
- (7) In determining whether to provide his or her concurrence to the development application, the Director-General is to take into account the matters set out in subclause (3) and whether the development that is the subject of the application has exhibited design excellence.
- (8) In this clause:
- architectural design competition*** means a competitive process conducted in accordance with procedures approved by the Director-General from time to time.

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### 22C Car parking

- (1) Consent must not be granted for development on land within Zone B3 Commercial Core or B4 Mixed Use that involves the erection of a new building or an alteration to an existing building that increases the gross floor area of the building unless:
  - (a) at least one car parking space is provided for every 75 square metres of the floor area of the building that is to be used for commercial activities, and
  - (b) at least one car parking space is provided for every 25 square metres of the floor area of the building that is to be used for residential activities.
- (2) At least 25% of the car parking required to be provided under subclause (1) in relation to commercial activities must be provided on site unless the consent authority is satisfied that the provision of car parking on site is not feasible.
- (3) For the purposes of this clause, the following are to be included as part of a building's gross floor area:
  - (a) 50% of any area of the building that is used for parking provided in accordance with subclause (1) (a) in respect of retail premises and that is at or above existing ground level,
  - (b) except as provided by paragraph (a), any area of the building that is used for parking and is at or above existing ground level,
  - (c) any area of the building that is used for parking below ground level, except where the parking is provided as required by this clause or in accordance the City Centre Development Control Plan.
- (4) Any part of a building used for Council owned public car parking is not to be included as part of a building's gross floor area.
- (5) In this clause:

**commercial activities**, in relation to the use of a building, means the use of the building for the purposes of office premises, retail premises, business premises, hotel accommodation (but not hotel accommodation that is subdivided under a strata scheme) or other like uses or a combination of such uses.

**residential activities**, in relation to the use of a building, means the use of the building for the purposes of dwellings or serviced apartments or a combination of such uses.

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**22D Building separation within Zone B3 Commercial Core or B4 Mixed Use**

- (1) Buildings on land within Zone B3 Commercial Core or B4 Mixed Use must be erected so that the distance from any other building is not less than:
  - (a) 28 metres at 45 metres or higher above ground level, and
  - (b) 12 metres at less than 45 metres above ground level.
- (2) Despite subclause (1), if a building contains a dwelling, all habitable parts of the dwelling including any balcony must be not 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.
- (3) For the purposes of this clause, a separate tower or other raised part of the same building is taken to be a separate building.

**22E Ecologically sustainable development**

Before granting consent for development, the consent authority must have regard to the principles of ecologically sustainable development as they relate to the proposed development based on a “whole of building” approach, by considering each of the following:

- (a) greenhouse gas reduction,
- (b) embodied energy in materials and building processes,
- (c) building design and orientation,
- (d) passive solar design and day lighting,
- (e) natural ventilation,
- (f) energy efficiency and energy conservation,
- (g) water conservation and water reuse,
- (h) waste minimisation and recycling,
- (i) reduction of car dependence,
- (j) potential for adaptive reuse.

**22F Serviced apartments**

Development consent must not be granted to development for the purpose of the strata subdivision of a building or part of a building that is or has been used for serviced apartments, unless the consent authority is satisfied that the design quality principles set out in Part 2 of *State Environmental Planning Policy No 65—Design Quality of Residential Flat Development* and the design principles of the *Residential Flat Design Code* (a publication of the Department of Planning, September

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2002) are to be achieved for the development as if it were a residential flat development.

### 24 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 or of *State Environmental Planning Policy No 1—Development Standards*.
- (3) Consent must not be granted for development that contravenes a development standard unless the consent authority has considered a 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.
- (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 for development in the coastal zone other than a development standard in this Plan.

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#### 25 Land acquisition within certain zones

- (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 or 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

- (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.

#### 26 Development on proposed classified road

- (1) Consent for development on land reserved for the purposes of a classified road may, before the land becomes a classified road, be granted only if:
- (a) the development is carried out with the concurrence of the Roads and Traffic Authority (**the RTA**), and
  - (b) the development is of a kind, or is compatible with development of a kind, that may be carried out on land in an adjoining zone.

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- (2) In deciding whether to grant concurrence to proposed development under this clause, the RTA must take the following matters into consideration:
- (a) the need to carry out development on the land for the purposes of a classified road or a proposed classified road,
  - (b) the imminence of acquisition of the land by the RTA,
  - (c) the likely additional cost to the RTA resulting from the carrying out of the proposed development.

## 27 Classification and reclassification of public land

- (1) The objective of this clause is to enable the Council, by means of this Plan, 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 on the commencement of the relevant classification Plan and, by the operation of that Plan, 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

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- (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*).
- (6) In this clause, the ***relevant classification Plan***, in relation to land described in Part 2 of Schedule 4, means this Plan or, if the description of the land is inserted into that Part by another environmental planning instrument, that instrument.
- (7) Before the relevant classification Plan inserted a description of land into Part 2 of Schedule 4, the Governor approved of subclause (5) applying to the land.

### 29 Community use of educational establishments

- (1) The objective of this clause is to allow the use of educational establishments, including their site and facilities, for other community purposes.
- (2) An educational establishment (including the site and facilities) may, with consent, be used for any other community purpose, whether or not any such use is a commercial use of the land.
- (3) Nothing in this clause requires consent to carry out development on any land if that development could, but for this clause, be carried out on that land without consent.

### 29A Ground floor development on land within Zone B3 Commercial Core or B6 Enterprise Corridor

- (1) Development consent must not be granted for development on the ground floor of a building on land within Zone B3 Commercial Core or B6 Enterprise Corridor if the development would result in any part of that floor not being used for commercial activities that have active street frontages, other than any parts of that floor used for the purposes of:
  - (a) lobbies for any commercial, residential, serviced apartment or hotel component of the development, or
  - (b) access for fire services, or
  - (c) vehicle access.
- (2) Despite subclause (1), an active street frontage is not required in respect of any part of a building facing a service lane.
- (3) In this clause:  
***commercial activities***, in relation to the use of a building, means using the building for the purposes of office premises, retail premises, amusement centres, function centres, medical centres, registered clubs,



business premises, hotel accommodation (but not hotel accommodation that is subdivided under a strata scheme) or other like uses or a combination of such uses.

### 30 Classified roads

- (1) The objectives of this clause are:
  - (a) to ensure that new development does not compromise the effective and ongoing operation and function of classified roads, and
  - (b) to prevent or reduce the potential impact of traffic noise and vehicle emission on development adjacent to classified roads.
- (2) Consent must not be granted to the development of land that has a frontage to a classified road unless the consent authority is satisfied that:
  - (a) where practicable, vehicular access to the land is provided by a road other than the classified road, and
  - (b) the safety, efficiency and ongoing operation of the classified road will not be adversely affected by the proposed development as a result of:
    - (i) the design of the vehicular access to the land, or
    - (ii) the emission of smoke or dust from the proposed development, or
    - (iii) the nature, volume or frequency of vehicles using the classified road to gain access to the land, and
  - (c) the development is of a type that is not sensitive to traffic noise or vehicle emissions, or is appropriately located and designed, or includes measures, to ameliorate potential traffic noise or vehicle emissions within the site of the proposed development.

### 31 Development in proximity to a rail corridor

- (1) The objective of this clause is to ensure that development for the purpose of residential accommodation, places of public worship, hospitals, educational establishments or other noise sensitive buildings in the proximity of operating or proposed railways is not adversely affected by rail noise or vibration.
- (2) This clause applies to land comprising, or within 60 metres of, an operating railway line or land reserved for the construction of a railway line (referred in this clause as a *rail corridor*).
- (3) Development consent must not be granted to development:
  - (a) that is within a rail corridor, and

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- (b) that the consent authority considers is, or is likely to be, adversely affected by rail noise or vibration,

unless the consent authority is satisfied that the proposed development incorporates all practical mitigation measures for rail noise or vibration recommended by Rail Corporation New South Wales for development of that kind.

### 32 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 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.
- (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 or persons who are less mobile, 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 water bodies, and
    - (iv) native animals, fish, plants and marine vegetation, 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:

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- (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.

### **33 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).

### **33A Development on flood prone land**

- (1) The objectives of this clause are:
  - (a) to maintain the existing flood regime and flow conveyance capacity, and
  - (b) to enable safe occupation of flood prone land, and
  - (c) to avoid significant adverse impacts upon flood behaviour, and
  - (d) to avoid significant adverse effects on the floodplain environment that would cause avoidable erosion, siltation, destruction of riparian vegetation or a reduction in the stability of the river bank or watercourse, and
  - (e) to limit uses to those compatible with flow conveyance function and flood hazard.
- (2) Before determining an application for consent to carry out development on flood prone land, the consent authority must consider:
  - (a) the impact of that development on:
    - (i) flood behaviour, including the flood peak at any point upstream or downstream of the site of the development, and
    - (ii) the flow of floodwater on adjoining lands, and
    - (iii) the flood hazard or risk of flood damage to property and persons, and

- (iv) erosion, siltation or destruction of riparian vegetation in the area, and
- (v) the water table on any adjoining land, and
- (vi) riverbank stability, and
- (vii) the safety in time of flood of the site of the development and of any buildings or works intended to be erected or carried out, and
- (viii) the hydraulic capacity of flood prone land in the locality, and
- (ix) the provision of emergency equipment, personnel, welfare facilities or other resources that might be needed for an evacuation resulting from flooding, and
- (x) the risk to life and personal safety of any emergency service and rescue personnel who might be involved in any such evacuation, and
- (xi) the cumulative impact of further development on flooding, and
- (xii) the potential for pollution during flooding, and
- (b) the impact that flooding will have on the proposed development, including the flood liability of access to the site of the proposed development, and
- (c) the provisions of any floodplain management plan adopted by the Council that apply to the land.

**34 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) a development consent, or
  - (b) a permit granted by the Council.

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- (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 35 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 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*.

**35 Heritage conservation****(1) Objectives**

The objectives of this clause are:

- (a) to conserve the environmental heritage of Wollongong city centre, 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:

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Part 5 Miscellaneous provisions

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- (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) **Heritage impact assessment**

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

  - (a) on which a heritage item is situated, or
  - (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.
- (5) **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.
- (6) **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 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.

**(7) 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.

**(8) 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 heritage 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 within 28 days after the notice is sent.

**(9) 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.
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### 36 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.

### 37 Development for group homes

- (1) The objective of this clause is to facilitate the establishment of:
  - (a) permanent group homes in which disabled persons or socially disadvantaged persons may live in an ordinary residential household environment instead of an institutional environment, and
  - (b) transitional group homes that provide temporary accommodation for disabled persons or socially disadvantaged persons in an ordinary residential household environment instead of an institutional environment for such purposes as alcohol or drug rehabilitation and half-way rehabilitation for persons formerly living in institutions and refuges for men, women or young persons.
- (2) If development for the purpose of a dwelling house or a dwelling in a residential flat building may lawfully be carried out in accordance with this Plan, development for the purposes of a group home may, subject to this clause, be carried out.
- (3) Consent is required to carry out development for the purposes of a transitional group home.
- (4) Consent is required to carry out development for the purposes of a permanent group home that contains more than 5 bedrooms.
- (5) Consent is required to carry out development for the purposes of a permanent group home that contains 5 or less bedrooms and that is occupied by more residents (including any resident staff) than the number equal to the number calculated by multiplying the number of bedrooms in that home by 2.
- (6) Consent may not be refused under this clause unless an assessment has been made of the need for the group home concerned.
- (7) Nothing in this clause requires consent to be obtained by the Department of Housing (or by a person acting jointly with the Department of Housing) to carry out development for the purposes of a transitional group home.

**38 Crown development and public utilities**

- (1) Nothing in this Plan is to be construed as restricting or prohibiting or enabling the consent authority to restrict or prohibit:
  - (a) the carrying out of development of any description specified in subclauses (2)–(12), or
  - (b) the use of existing buildings of the Crown by the Crown.
- (2) The carrying out by persons carrying on railway undertakings on land comprised in their undertakings of:
  - (a) any development required in connection with the movement of traffic by rail, including the construction, reconstruction, alteration, maintenance and repair of ways, works and plant, and
  - (b) the erection within the limits of a railway station of buildings for any purpose,  
but excluding:
    - (c) the construction of new railways, railway stations and bridges over roads, and
    - (d) the erection, reconstruction and alteration of buildings for purposes other than railway undertaking purposes outside the limits of a railway station and the reconstruction or alteration, so as materially to affect their design, of railway stations or bridges, and
    - (e) the formation or alteration of any means of access to a road, and
    - (f) the erection, reconstruction and alteration of buildings for purposes other than railway purposes where such buildings have direct access to a public place.
- (3) The carrying out by persons carrying on public utility undertakings, being water, sewerage, drainage, electricity or gas undertakings, of any of the following development, being development required for the purpose of their undertakings:
  - (a) development of any description at or below the surface of the ground,
  - (b) the installation of any plant inside a building or the installation or erection within the premises of a generating station or substation established before the commencement of this Plan of any plant or other structures or erections required in connection with the station or substation,
  - (c) the installation or erection of any plant or other structures or erections by way of addition to or replacement or extension of plant or structures or erections already installed or erected, including the installation in an electrical transmission line of

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Clause 38 Wollongong City Centre Local Environmental Plan 2007

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- substations, feeder-pillars or transformer housing, but not including the erection of overhead lines for the supply of electricity or pipes above the surface of the ground for the supply of water, or the installation of substations, feeder-pillars or transformer housing of stone, concrete or brickworks,
- (d) the provision of overhead service lines in pursuance of any statutory power to provide a supply of electricity,
  - (e) the erection of service reservoirs on land acquired or in the process of being acquired for that purpose before the commencement of this Plan, provided reasonable notice of the proposed erection is given to the consent authority,
  - (f) any other development, except:
    - (i) the erection of buildings, the installation or erection of plant or other structures or erections and the reconstruction or alteration of buildings so as materially to affect their design or external appearance, or
    - (ii) the formation or alteration of any means of access to a road.
- (4) The carrying out by persons carrying on public utility undertakings, being water transport undertakings, on land comprised in their undertakings, of any development required in connection with the movement of traffic by water, including the construction, reconstruction, alteration, maintenance and repair of ways, buildings, wharves, works and plant required for that purpose, except:
- (a) the erection of buildings and the reconstruction or alteration of buildings so as materially to affect their design or external appearance, or
  - (b) the formation or alteration of any means of access to a road.
- (5) The carrying out by persons carrying on public utility undertakings, being wharf or river undertakings, on land comprised in their undertakings, of any development required for the purposes of shipping or in connection with the embarking, loading, discharging or transport of passengers, livestock or goods at a wharf or the movement of traffic by a railway forming part of the undertaking, including the construction, reconstruction, alteration, maintenance and repair of ways, buildings, works and plant for those purposes, except:
- (a) the construction of bridges, the erection of any other buildings, and the reconstruction or alteration of bridges or of buildings so as materially to affect their design or external appearance, or
  - (b) the formation or alteration of any means of access to a road.

- (6) The carrying out by persons carrying on public utility undertakings, being air transport undertakings, on land comprised in their undertakings within the boundaries of any aerodrome, of any development required in connection with the movement of traffic by air, including the construction, reconstruction, alteration, maintenance and repair of ways, buildings, wharves, works and plant required for that purpose, except:
- (a) the erection of buildings and the reconstruction or alteration of buildings so as materially to affect their design or external appearance, or
  - (b) the formation or alteration of any means of access to a road.
- (7) The carrying out by persons carrying on public utility undertakings, being road transport undertakings, on land comprised in their undertakings, of any development required in connection with the movement of traffic by road, including the construction, reconstruction, alteration, maintenance and repair of buildings, works and plant required for that purpose, except:
- (a) the erection of buildings and the reconstruction or alteration of buildings so as materially to affect their design or external appearance, or
  - (b) the formation or alteration of any means of access to a road.
- (8) The carrying out by the owner or lessee of a mine (other than a mineral sands mine), on the mine, of any development required for the purposes of a mine, except:
- (a) the erection of buildings (not being plant or other structures or erections required for the mining, working, treatment or disposal of minerals) and the reconstruction, alteration or extension of buildings, so as materially to affect their design or external appearance, or
  - (b) the formation or alteration of any means of access to a road.
- (9) The carrying out of any development required in connection with the construction, reconstruction, improvement, maintenance or repair of any road, except the widening, realignment or relocation of such road.
- (10) The carrying out of any forestry work by the Forestry Commission or Community Forest Authorities empowered under relevant Acts to undertake afforestation, the construction of roads, protection, cutting and marketing of timber, and other forestry purposes under such Acts or upon any Crown land temporarily reserved from sale as a timber reserve under the *Forestry Act 1916*.
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- (11) The carrying out by a rural lands protection board of any development required for the improvement and maintenance of travelling stock and water reserves, except:
- (a) the erection of buildings and the reconstruction or alteration of buildings so as materially to affect their design or purposes, and
  - (b) any development designed to change the use or purpose of any such reserve.
- (12) The carrying out or causing to be carried out by the consent authority, where engaged in flood mitigation works, or by the Department of Natural Resources, of any work for the purposes of soil conservation, irrigation, afforestation, reforestation, flood mitigation, water conservation or river improvement in pursuance of the provisions of the *Water Act 1912*, the *Water Management Act 2000*, the *Farm Water Supplies Act 1946* or the *Rivers and Foreshores Improvement Act 1948*, except:
- (a) the erection of buildings, and installation or erection of plant or other structures or erections and the reconstruction or alteration of buildings so as materially to affect their design or external appearance, and
  - (b) the formation or alteration of any means of access to a road.

### 38A Council development

Development may be carried out by or on behalf of the Council without development consent on any land, except land within a heritage conservation area, or containing a heritage item, for any one or more of the following purposes:

- (a) construction or maintenance of stormwater drainage, water quality treatment devices, water tanks, flood mitigation structures, recreation areas, public amenities or 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, flagpoles, telephone kiosks and the like, but not fixed outdoor vending machines,
- (c) construction or maintenance of roads, footpaths, cycle ways, parking areas, fire trails, walking tracks and other public pedestrian areas, roads, including tree planting and repaving, street surfacing, reconstruction of kerbs, 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, flagpoles, bridges, staircases, boardwalks, lighting (excluding ovals, tennis courts and the like) and Council information signs,

- (e) installation or 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 structures),
- (f) installation or 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 adopted under either the *Local Government Act 1993* or the *Crown Lands Act 1989* for public land (excluding the erection of buildings or activities excluded by paragraphs (a)–(g)).

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Wollongong City Centre Local Environmental Plan 2007

Schedule 1 Additional permitted uses

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### Schedule 1 Additional permitted uses

(Clause 14)

#### 1 Land at the corner of Crown and Harbour Streets

- (1) This clause applies to part Lot 143 and part Lot 144, DP 786508, at the corner of Crown and Harbour Streets, Wollongong, as shown edged heavy black on Sheet 1 of the map marked “City of Wollongong Local Environmental Plan 1990 (Amendment No 143)”.
- (2) The consent authority may consent to development on land to which this clause applies for the purposes of markets, shops or commercial premises but only if any such development is within an entertainment centre building that is a recreation facility.

#### 2 Land at Rawson Street, Railway Parade, Governors Lane and Waters Lane

- (1) This clause applies to part Lots 1 and 2, Lots 3–7 and part Lots 10–12, Section 1, DP 4201 and part Lots 1 and 4 and Lots 2 and 3, Section 2, DP 4201, Rawson Street, Railway Parade, Governors Lane and Waters Lane, and the airspace above Rawson Street between Lot 4, Section 1, DP 4201 and part Lot 1, Section 2, DP 4201, Wollongong, as shown edged heavy black on the map marked “City of Wollongong Local Environmental Plan 1990 (Amendment No 227)”.
- (2) The consent authority may consent to development on land to which this clause applies for the purpose of a hospital but only if any such development includes a nursing home, medical facilities, self-care accommodation and a minimum of 155 public parking spaces.



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**Schedule 4    Classification and reclassification of  
public land**

(Clause 27)

**Part 1    Reclassification of community land as  
operational land**

Nil

**Part 2    Reclassification of community land as  
operational land and change of reserve status,  
trusts etc**

Nil

**Part 3    Reclassification of public land as community  
land**

Nil

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Schedule 5 Environmental heritage

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### Schedule 5 Environmental heritage

(Clause 35, Dictionary)

#### Heritage Items

<b>Suburb</b>	<b>Item name</b>	<b>Address</b>	<b>Significance</b>
North Wollongong	Magnolia	42 Bourke Street (corner of Virginia Street)	Local
North Wollongong	North Beach Surf Club	Cliff Road—North Beach	State
North Wollongong	North Beach Kiosk and Residence	Cliff Road—North Beach	State
North Wollongong	North Beach Pavilion	Cliff Road—North Beach	State
North Wollongong	House	31 Foley Street, North Wollongong	Local
North Wollongong	Group of Trees	3 Flinders Street (rear of North Wollongong Hotel)	Local
North Wollongong	North Wollongong Hotel (formerly Bode's Hotel)	3 Flinders Street	Local
North Wollongong	Row of Canary Island Date Palms	View Street	Local
Wollongong	Former Cemetery*	Bank Street—Pioneer Rest Park	Local
Wollongong	California Flats	7–9 Burelli Street	Local
Wollongong	Town Hall and former Council Chambers	46 Burelli Street (Cnr Kembla and Burelli)	Local
Wollongong	St Andrew's Presbyterian Church and Hall	50 Burelli Street (Corner of Kembla Street)	Local
Wollongong	Row of Hills Figs	Burelli Street	Local
Wollongong	"The Lodge"	22 Campbell Street	Local
Wollongong	Terrace Houses	46–56 Campbell Street	Local
Wollongong	Semi-detached House	67–69 Campbell Street	Local
Wollongong	House	73–75 Campbell Street	Local
Wollongong	Wollongong Primary School	67A Church Street	State
Wollongong	Former Alowrie Terrace	69–71 Church Street	Local

<b>Suburb</b>	<b>Item name</b>	<b>Address</b>	<b>Significance</b>
Wollongong	St Michael's Anglican Church of Australia	74 Church Street	State
Wollongong	Rectory, Anglican Church of Australia	74 Church Street	State
Wollongong	St Michael's Church Hall	74 Church Street	State
Wollongong	St Michael's Anglican Church of Australia trees in ground (excluding those west of Old Rectory)	74 Church Street	Local
Wollongong	Shop	81 Church Street	Local
Wollongong	Canary Island Date Palms	Church Street—MacCabe Park	Local
Wollongong	Memorial Arch	Church Street—MacCabe Park	Local
Wollongong	Monument	Church Street—MacCabe Park	Local
Wollongong	Smiths Hill Fort	Cliff Road	State
Wollongong	Railway Cuttings and Embankments	Cliff Road—Wollongong Foreshore from North Beach to Belmore Basin	Local
Wollongong	Site of Cokeworks, including remains of Coke Oven*	Cliff Road—Belmore Basin	State
Wollongong	Crane Pedestal	Cliff Rd—Belmore Basin	Local
Wollongong	Remains of Mt Keira Osborne Wallsend Tramway Bridge	Cliff Road—Osborne Park	Local
Wollongong	House	117 Corrimal Street	Local
Wollongong	Gravestones	9–11 Crown Street—Andrew Lysaght Park	Local
Wollongong	Monument	9–11 Crown Street—Andrew Lysaght Park	Local
Wollongong	Former RC Cemetery*	9–11 Crown Street—Andrew Lysaght Park	Local
Wollongong	Comelli Bros Building	48–50 Crown Street	Local
Wollongong	“Lisborne House”	68–70 Crown Street	Local

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## Wollongong City Centre Local Environmental Plan 2007

## Schedule 5 Environmental heritage

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<b>Suburb</b>	<b>Item name</b>	<b>Address</b>	<b>Significance</b>
Wollongong	Shops	72–76 Crown Street	Local
Wollongong	Shop	87 Crown Street	Local
Wollongong	Norfolk Island pine	93 Crown Street (adjacent to Tourist Information Bureau)	Local
Wollongong	Royal Bank	133 Crown Street	Local
Wollongong	Row of Shops	230–264 Crown Street	Local
Wollongong	Former Marcus Clark Building	281–291 Crown Street	Local
Wollongong	City Pacific International (former Crown Hotel)	309 Crown Street	Local
Wollongong	Hotel	329 Crown Street	Local
Wollongong	Group of Fig Trees	348–352 Crown Street (grounds of Wollongong Hospital)	Local
Wollongong	House	366 Crown Street, Wollongong West	Local
Wollongong	Moreton Bay Fig	373 Crown Street (adjacent to Masonic Club)	Local
Wollongong	Flats	10 Crown Street	Local
Wollongong	Post Office	91 Crown Street	Local
Wollongong	Wesley Uniting Church	116 Crown Street	Local
Wollongong	Hickman House	348–352 Crown Street (Wollongong Hospital Site)	Local
Wollongong	Nurses' Home	348–352 Crown Street (Wollongong Hospital Site)	Local
Wollongong	St Francis Xavier's Cathedral	24 Crown Street (fronting Harbour Street)	Local
Wollongong	House	27 Edward Street	Local
Wollongong	House	12 Edward Street, North Wollongong	Local
Wollongong	Seawall*	Endeavour Drive, Flagstaff Point	Local

<b>Suburb</b>	<b>Item name</b>	<b>Address</b>	<b>Significance</b>
Wollongong	Ladies' Baths	Endeavour Drive, south of Flagstaff Point	Local
Wollongong	Nuns' Baths	Endeavour Drive, south of Pulpit Rock	Local
Wollongong	Stone Steps	Endeavour Drive—Belmore Basin—connecting Endeavour Drive to Wharf Area	State
Wollongong	Harbour Steps	Endeavour Drive—Belmore Basin—north-eastern side	State
Wollongong	Old Lighthouse	Endeavour Drive—End of Breakwater, Wollongong Harbour	State
Wollongong	Lighthouse	Endeavour Drive—Flagstaff Hill	State
Wollongong	Flagstaff Hill	Endeavour Drive—Flagstaff Hill	Local
Wollongong	Fort	Endeavour Drive—Flagstaff Hill	Local
Wollongong	Three Guns	Endeavour Drive—Flagstaff Hill	Local
Wollongong	House (former Coach House)	10A Flinders Street	Local
Wollongong	Row of Canary Island Date Palms	Gipps Street (between Corrimal St & Church St)	Local
Wollongong	Old Court House	1 Harbour Street (Corner of Cliff Road)	State
Wollongong	Site of earliest Courthouse and Lock up*	3–9 Harbour Street	Local
Wollongong	House	30 Harbour Street	Local
Wollongong	House	32 Harbour Street	Local
Wollongong	St Mary's Convent and Secondary Girls' School and Chapel	Harbour Street	Local
Wollongong	"Esslemont"	23 Keira Street	Local
Wollongong	House	60 Keira Street	Local

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## Wollongong City Centre Local Environmental Plan 2007

## Schedule 5 Environmental heritage

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<b>Suburb</b>	<b>Item name</b>	<b>Address</b>	<b>Significance</b>
Wollongong	House	62 Keira Street	Local
Wollongong	House	125 Keira Street	Local
Wollongong	Shops	122–130 Keira Street	Local
Wollongong	Shops	131–147 Keira Street	Local
Wollongong	Shop	149–153 Keira Street	Local
Wollongong	Illawarra Hotel	160–164 Keira Street	Local
Wollongong	National Mutual Life Assurance Building	163–169 Keira Street	Local
Wollongong	Regent Cinema	197 Keira Street	Local
Wollongong	House	13 Kembla Street	Local
Wollongong	House	60 Kembla Street	Local
Wollongong	Small leafed Figs	94 Kembla Street and 105–107 Church Street	Local
Wollongong	House	48 Loftus Street	Local
Wollongong	Wollongong Railway Station	Lowden Square	Local
Wollongong	Three Picnic Shelters	Marine Drive—WA Lang Park	Local
Wollongong	Bandstand and Marble Plaque commemorating Bass and Flinders' landing	Market Place—Market Square Park	Local
Wollongong	Avenue of Norfolk Island Pines	Marine Drive, South Beach	Local
Wollongong	Sandstone Kerbing	Market Street (between Corrimal St and Market Place)	Local
Wollongong	WWII Air Raid Shelter	11 Market Street	Local
Wollongong	Illawarra Historical Society Museum (former Wollongong East Post Office)	11 Market Street	Local
Wollongong	Congregational Church	33 Market Street	Local
Wollongong	Courthouses, c1890 and c1975	43 Market Street	State

<b>Suburb</b>	<b>Item name</b>	<b>Address</b>	<b>Significance</b>
Wollongong	Market Square	Bounded by Market Street, Market Place and Harbour Street	Local
Wollongong	House (Harrigan's Family Home)	18 Regent Street	Local
Wollongong	Row of Workers' Cottages	3-9 Robinson Street	Local
Wollongong	Row of California Bungalows	8-16 Robinson Street	Local
Wollongong	Row of Canary Island Date Palms	4-40 Robinson Street (Garden Hill)	Local
Wollongong	Monument	1 Smith Street (corner of Harbour Street)	Local
Wollongong	House	26 Smith Street	Local
Wollongong	Magnolia "Wye Lodge"	63 Smith Street	Local
Wollongong	School of Arts Building	64 Smith Street	Local
Wollongong	"Wye Lodge"	63 Smith Street	Local
Wollongong	House	65 Smith Street	Local
Wollongong	House	67 Smith Street	Local
Wollongong	House	86 Smith Street	Local
Wollongong	Masonic Hall	88 Smith Street	Local
Wollongong	"Ken Elm"	90 Smith Street	Local
Wollongong	House	92 Smith Street	Local
Wollongong	Headmaster's Residence	53 Smith Street	Local
Wollongong	"Little Milton"	31-33 Smith Street	State

\* = Archaeological Sites

## Dictionary

(Clause 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.

**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.

**amusement centre** means a building or place (not being part of a hotel or pub) 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.

**archaeological site** means the site (as shown on the Heritage Map or listed in Schedule 5) of one or more relics.

**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).

**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 for a maximum of 6 guests 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.

**biodiversity** means biological diversity.



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**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.

**boarding house** means a building:

- (a) that is wholly or partly let in lodgings, and
- (b) that provides lodgers with a principal place of residence for 3 months or more, and
- (c) that generally has shared facilities, such as a communal bathroom, kitchen or laundry, and
- (d) that has rooms that accommodate one or more lodgers,

but does not include backpackers' accommodation, a serviced apartment, seniors housing or hotel 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 which is associated with a private dwelling or non-profit organisation, and includes any skid used in connection with the building or other structure.

**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 does not include a manufactured home, a moveable dwelling or associated structure (or part of a manufactured home, moveable dwelling or associated structure) or a temporary structure within the meaning of the *Local Government Act 1993*.

**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

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(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) 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 and unloading the items into 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 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 *Environmental Planning and Assessment Act 1979*.

**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 that does not carry on business at the premises or place.

**business premises** means a building or place at which 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.

**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.

**cemetery** means a building or place for the interment of deceased persons or pets or their ashes, and includes a funeral chapel or crematorium.

**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 family day care home or home-based child care home, 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 section 200 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.

**City Centre Development Control Plan** means the *Wollongong City Centre Development Control Plan*, as in force on the commencement of this Plan.

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**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.)

**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 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.

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**commercial port facility** means a facility (including any building or other structure) used in connection with the carrying of goods or persons by water from one port to another for business or commercial purposes, being a facility having a direct structural connection between the foreshore and the waterway.

**community facility** means a building or place owned or controlled by a public authority and used for the physical, social, cultural or intellectual development or welfare of the community.

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

**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) land 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, which contributes to its heritage significance.

**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.

**drainage** means any activity which 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.

**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.

**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 college, that provides formal education and is constituted by or under an Act.

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**entertainment facility** means a theatre, cinema, music hall, concert hall, dance hall, amusement centre and the like.

**environmental facility** means a building or place which 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.

**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*.

**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 significantly alter the shape, natural form or drainage of the land, or
- (b) a waste disposal landfill operation.

**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).

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

**floor space ratio** means the ratio of the gross floor area of all buildings on a site to the site area.

**Floor Space Ratio Map** means the Wollongong City Centre Local Environmental Plan 2007 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 or drink premises, milk bars and pubs.

**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.

**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.

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**funeral chapel** means business 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.

**funeral home** means business 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 storey 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 within the storey, and
- (b) habitable rooms in a basement, 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 which 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.



***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 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.

***Height of Buildings Map*** means the Wollongong City Centre Local Environmental Plan 2007 Height of Buildings Map.

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

***heritage conservation area*** means:

- (a) an area of land that is shown as a heritage conservation area on the Heritage Map (including any heritage items situated on or within that conservation area), or
- (b) a place of Aboriginal heritage significance shown on the Heritage Map.

***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

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- (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 specified in an inventory of heritage items that is available at the office of the Council and the site and nature of which is described in Schedule 5.

**Heritage Map** means the Wollongong City Centre Local Environmental Plan 2007 Heritage Map.

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

**home-based child care** or **family day care home** means a dwelling used by a resident of the dwelling for the supervision and care of one or more children and which 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
- (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, or
- (f) the use of more than 25 square metres of floor area to carry on the business, but does not include bed and breakfast accommodation, home occupation (sex services) or sex services premises.

**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, or
- (f) the use of more than 25 square metres of floor area to carry on the light industry,

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

**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 or home occupation (sex services).

**home occupation (sex services)** means the provision of sex services in a dwelling, or in a building ancillary to 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.

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**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 accommodation** means a building (whether or not a hotel within the meaning of the *Liquor Act 1982*) that provides tourist and visitor accommodation consisting of rooms or self-contained suites, but does not include backpackers' accommodation, a boarding house or bed and breakfast accommodation.

**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.

**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 City Centre Local Environmental Plan 2007 Key Sites Map.

**kiosk** means retail premises with a gross floor area not exceeding 10 square metres and that provides food, light refreshments and other small convenience items such as newspapers, films and the like.

**Land Application Map** means the Wollongong City Centre Local Environmental Plan 2007 Land Application Map.

**Land Reservation Acquisition Map** means the Wollongong City Centre Local Environmental Plan 2007 Land Reservation Acquisition Map.

**Land Zoning Map** means the Wollongong City Centre Local Environmental Plan 2007 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.

**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.

**light industrial retail outlet** means a shop:

- (a) that is used in conjunction with a light industry other than a warehouse or distribution centre, and
- (b) that is situated on the land on which the light industry is located, and
- (c) that has a retail area the gross floor area of which does not exceed the lesser of:
  - (i) 40 per cent of the gross floor area occupied by the shop and the light industry in conjunction with which the shop is used, or
  - (ii) 250 square metres, and
- (d) in which are sold only goods that have been assembled or manufactured on the land on which the shop is situated.

**local heritage significance**, in relation to a place, building, work, archaeological site, tree or precinct, means its heritage significance to an area.

**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

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- (b) any facility for providing fuelling, sewage pump-out or other services for boats, and
- (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.

**medical research and development facility** means a building or place used for the purpose of carrying out medical research or the development of medical treatments or products.

**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.

**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.

**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.

**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 purpose of selling foodstuffs, personal care products, and other small daily convenience goods 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, newsagency or dry cleaning.

**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.

**permanent group home** means a dwelling:

- (a) used to provide a household environment for disabled persons or socially disadvantaged persons, whether those persons are related or not, and
- (b) occupied by the persons referred to in paragraph (a) as a single household, with or without paid or unpaid supervision or care and either with or without payment for board and lodging being required,

but does not include a building to which *State Environmental Planning Policy (Seniors Living) 2004* applies or a transitional group home.

**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.

**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.



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**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 1982* the principal purpose of which is the sale of liquor for consumption on the premises, whether or not the premises include hotel accommodation and whether or not food is sold 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.

**public authority** has the same meaning as in the Act.

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

**Note.** The term is defined as follows:

**public entertainment:**

- (a) means entertainment to which admission may ordinarily be gained by members of the public on payment of money, or other consideration, as the price or condition of admission and an entertainment does not cease to be a public entertainment merely because:
  - (i) some (but not all) persons may be admitted to the entertainment otherwise than on payment of money, or other consideration, as the price or condition of admission, or
  - (ii) such payment, or other consideration, is demanded as the charge for a meal or other refreshment, or for any other service or thing, before admission to the entertainment is granted or as the charge for the entertainment after admission to the entertainment has been granted, and
- (b) includes a public meeting.

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

**Note.** The term is defined as follows:

**public hall** means any building or part of a building that is used or intended to be used for the purpose of providing public entertainment or conducting public meetings.

**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*.

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

**Note.** The term is defined as follows:

**public meeting** means an assembly held for a public purpose to which admission may ordinarily be gained by members of the public (whether or not on payment of money, or other consideration, as the price or condition of admission), but does not include an assembly held for the purpose of religious worship only.

**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.

**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).

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**registered club** means a club in respect of which a certificate of registration under the *Registered Clubs Act 1976* is in force.

**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.

**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.

**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 and that may also provide takeaway meals and beverages.

**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 accommodation, a pub, home occupation (sex services) or sex services premises.

**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.

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

**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

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(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.

**sensitive coastal location** means land in the coastal zone that is any of the following:

- (a) land within 100 metres above the mean high water mark of the sea, a bay or an estuary,
- (b) a coastal lake,
- (c) a declared Ramsar wetland within the meaning of the *Environment Protection and Biodiversity Conservation Act 1999* of the Commonwealth,
- (d) a declared World Heritage property within the meaning of the *Environment Protection and Biodiversity Conservation Act 1999* of the Commonwealth,
- (e) land declared as an aquatic reserve under the *Fisheries Management Act 1994*,
- (f) land declared as a marine park under the *Marine Parks Act 1997*,
- (g) land within 100 metres of any of the following:
  - (i) the water's edge of a coastal lake,
  - (ii) land to which paragraph (b), (c), (d) or (e) applies,
  - (iii) land reserved under the *National Parks and Wildlife Act 1974*,
  - (iv) land to which *State Environmental Planning Policy No 14—Coastal Wetlands* applies,
- (h) residential land (within the meaning of *State Environmental Planning Policy No 26—Littoral Rainforests*) that is within a distance of 100 metres from the outer edge of the heavy black line on the series of maps held in the Department of Planning and marked "State Environmental Planning Policy No 26—Littoral Rainforests (Amendment No 2)".

**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.

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

**sex services premises** means premises used primarily for the provision of sex services, but does not include home occupation (sex services).

**shop top housing** means mixed use development comprising 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.

**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 City Centre Local Environmental Plan 2007 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
- (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 or drink premises** means food or drink premises that are predominantly used for the preparation and sale of food or drink for immediate consumption away from the premises.

**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 *Local Government Act 1993*.

**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*.

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**timber and building supplies** means a building or place used for the display and sale (whether by retail or wholesale, or both) of goods or materials used in the construction and maintenance of buildings, where those goods or materials are of such size or weight as to require customers to have direct vehicular access to the building or place in order to load or unload those goods or materials.

**tourist and visitor accommodation** means a building or place that provides temporary or short-term accommodation on a commercial basis, and includes hotel accommodation, serviced apartments, bed and breakfast accommodation and backpackers' accommodation.

**transitional group home** means a dwelling:

- (a) used to provide temporary accommodation, for the purposes of relief or rehabilitation, for disabled persons or socially disadvantaged persons, whether those persons are related or not, and
- (b) occupied by the persons referred to in paragraph (a) as a single household, either with or without paid or unpaid supervision or care and either with or without payment for board and lodging being required,

but does not include a building to which *State Environmental Planning Policy (Seniors Living) 2004* applies.

**utility installation** means a building, work or place used by a public utility undertaking, but does not include a building designed wholly or principally as administrative or business premises or as a showroom.

**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 showroom** means a building or place used for the display or sale 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.

**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 land fill operation** means use of land for the purpose of disposing of industrial, trade or domestic waste on that land.

**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.

**waterbody** means a waterbody (artificial) or waterbody (natural).

**waterbody (artificial)** 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)** 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 water body (up to 2 metres in depth) when inundated cyclically, intermittently or permanently with water, and are constructed and vegetated with wetland plant communities.