



New South Wales

# **Wollongong Local Environmental Plan 2009 (Amendment No 36)**

under the

**Environmental Planning and Assessment Act 1979**

The following local environmental plan is made by the local plan-making authority under the *Environmental Planning and Assessment Act 1979*.

MARCUS RAY

As delegate for the Minister for Planning

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### **1 Name of Plan**

This Plan is *Wollongong Local Environmental Plan 2009 (Amendment No 36)*.

### **2 Commencement**

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

### **3 Land to which Plan applies**

This Plan applies to land in the area known as Yallah-Marshall Mount Precinct, being Stage 5 of the West Dapto Urban Release Area, and comprising 43 lots in Dapto, Marshall Mount, Avondale and Yallah.

### **4 Maps**

The maps adopted by *Wollongong Local Environmental Plan 2009* are amended or replaced, as the case requires, by the maps approved by the local plan-making authority on the making of this Plan.

## **Schedule 1      Amendment of Wollongong Local Environmental Plan 2009**

### **[1]    Clause 4.1B**

Insert after clause 4.1A:

#### **4.1B    Lot averaging subdivision in Zone RU2, Zone E3 and Zone E4**

- (1) The objective of this clause is to ensure that lot sizes and subdivision patterns for residential accommodation conserve and provide protection for the environmental values of the land by encouraging buildings to be appropriately sited.
- (2) This clause applies to the following land in the Yallah-Marshall Mount Precinct shown on the Urban Release Area Map:
  - (a) land within the following zones:
    - (i) Zone RU2 Rural Landscape,
    - (ii) Zone E3 Environmental Management,
    - (iii) Zone E4 Environmental Living,
  - (b) Lot 5, DP 24143, being 297 Marshall Mount Road, Marshall Mount.
- (3) Despite clauses 4.1 and 4.1AA, development consent may be granted to the subdivision of land to which this clause applies that requires development consent (whether or not the subdivision is under the *Community Land Development Act 1989*) to create lots of any size if:
  - (a) the consent authority is satisfied that the land to be subdivided is proposed to be used for the purpose of residential accommodation, and
  - (b) the total number of lots resulting from the subdivision will not exceed the number of lots that could be created by a subdivision of the same land under clause 4.1 (3) or 4.1AA (3), and
  - (c) the consent authority is satisfied that the development retains, and is complementary to, the environmental attributes of the land and its surrounds, and
  - (d) in the case of Lot 5, DP 24143—an existing dwelling house will be located on each lot resulting from the subdivision.
- (4) Despite any other provision of this Plan, development consent must not be granted to the subdivision of a lot created under this clause unless the consent authority is satisfied that:
  - (a) the lots resulting from the subdivision will not be used for the purpose of residential accommodation, and
  - (b) the subdivision will not result in any significant adverse environmental impacts on the land being subdivided.

### **[2]    Clause 7.13 Certain land within business zones**

Insert “, but does not apply to land to which clause 7.19 applies” after “Mixed Use” in clause 7.13 (2).

**[3] Clause 7.19**

Insert after clause 7.18:

**7.19 Active street frontages**

- (1) The objective of this clause is to promote uses that attract pedestrian traffic along certain ground floor street frontages in the following zones:
  - (a) Zone B1 Neighbourhood Centre,
  - (b) Zone B2 Local Centre,
  - (c) Zone B3 Commercial Core,
  - (d) Zone B4 Mixed Use.
- (2) This clause applies to land identified as “Active street frontages” on the Active Street Frontages Map.
- (3) Development consent must not be granted to the erection of a building, or a change of use of a building, on land to which this clause applies unless the consent authority is satisfied that the building will have an active street frontage after its erection or change of use.
- (4) Despite subclause (3), an active street frontage is not required for any part of a building that is used for any of the following:
  - (a) entrances and lobbies (including as part of mixed use development),
  - (b) access for fire services,
  - (c) vehicular access.
- (5) For the purposes of this clause, a building has an *active street frontage* if:
  - (a) all premises on the ground floor of the building facing the street are used for the purposes of business premises or retail premises, and
  - (b) its street frontage enables direct visual and physical contact between the street and the interior of the building.

**Note.** Clearly defined entrances, windows and shop fronts are elements of a building facade that contribute to an active street frontage.

**[4] Schedule 1 Additional permitted uses**

Omit “with consent” wherever occurring. Insert instead “with development consent”.

**[5] Schedule 1**

Insert at the end of the Schedule, with appropriate clause numbering:

**Use of certain land at 54 Marshall Mount Road, Avondale**

- (1) This clause applies to land at 54 Marshall Mount Road, Avondale, being Lot 4, DP 608205.
- (2) Development for the purpose of a camping ground is permitted with development consent, but only if the consent authority is satisfied that the development will not have a significant adverse environmental impact.

**[6] Schedule 5 Environmental heritage**

Insert in appropriate order in Part 1:

Dapto	“Penrose” (formerly “Penrose Villa”)	480 Princes Highway	Lot 2, DP 608205	Local	5917
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Marshall Mount	Marshall Mount Progress Association hall	450 Marshall Mount Road	Lot 1, DP 396100	Local	61027
Marshall Mount	Former Marshall Mount School and master's residence	456 Marshall Mount Road	Lot 100, DP 712786	Local	5983

**[7] Dictionary**

Insert in alphabetical order:

*Active Street Frontages Map* means the Wollongong Local Environmental Plan 2009 Active Street Frontages Map.