



New South Wales

# **Wollongong Local Environmental Plan 2009 (Amendment No 56)**

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*.

**CHANTELLE CHOW**

As delegate for the Minister for Planning and Public Spaces

## **Wollongong Local Environmental Plan 2009 (Amendment No 56)**

under the

Environmental Planning and Assessment Act 1979

### **1 Name of plan**

This plan is *Wollongong Local Environmental Plan 2009 (Amendment No 56)*.

### **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 to which *Wollongong Local Environmental Plan 2009* applies.

### **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 7.18 Design excellence in Wollongong city centre and at key sites**

Insert “, landscape” after “architectural” in clause 7.18(1).

**[2]    Clause 7.18(4)(d)**

Omit the paragraph. Insert instead—

- (d) whether the proposed development detrimentally overshadows the following—
  - (i) an area shown distinctively coloured and numbered on the Sun Plane Protection Map,
  - (ii) a site identified on the Overshadowing Map,

**[3]    Clause 7.18(4)(e)(xi) and (xii)**

Omit “domain.” from clause 7.18(4)(e)(x). Insert instead—

- domain,
  - (xi) achieving appropriate interfaces at ground level between buildings and the public domain,
  - (xii) excellence and integration of landscape design.

**[4]    Clause 7.19**

Omit the clause. Insert instead—

**7.19    Active frontages**

- (1) The objective of this clause is to promote uses that attract pedestrian traffic to ground floor frontages in the following zones—
  - (a) Zone E1 Local Centre,
  - (b) Zone E2 Commercial Centre,
  - (c) Zone MU1 Mixed Use.
- (2) This clause applies to land identified as “Active frontages” on the Active 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 frontage after its erection or change of use.
- (4) Despite subclause (3), an active frontage is not required for a 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 or loading docks.
- (5) In this clause, a building has an *active frontage* if—
  - (a) all premises on the ground floor of the building facing the street or public open space are used for the purposes of business premises or retail premises, and
  - (b) the frontage enables direct visual and physical contact between the street or public open space and the interior of the building.

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

**[5] Part 7 Local provisions—general**

Insert at the end of the part, with appropriate clause numbering—

**Overshadowing of Memorial Park and Luke’s Place Playground**

- (1) The objective of this clause is to protect public open space at Memorial Park and Luke’s Place Playground from overshadowing to ensure user amenity and the health of vegetation.
- (2) Development consent must not be granted to development that will result in a building causing—
  - (a) overshadowing of land identified as “Luke’s Place Playground” on the Overshadowing Map between 10am and 2pm on 21 June in each year, or
  - (b) land identified as “Wilga Street Tennis Courts” on the Overshadowing Map to receive less than 3 hours of direct sunlight between 9am and 3pm on 21 June in each year, or
  - (c) land identified as “Memorial Main Ground” or “Memorial Outside Ground” on the Overshadowing Map to receive less than 4 hours of direct sunlight on 21 June in each year.

**[6] Dictionary**

Omit the definition of *Active Street Frontages Map*. Insert in alphabetical order—

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